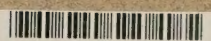


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605036

B I L L S,

PUBLIC:

SIX VOLUMES.

—(4.)—

FACTORIES

TO

RICHMOND PENITENTIARY.

Session

4 February — 20 August 1836.

VOL. IV.

1836.



BILLS:

1836.

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A

B I L L

To amend an Act of the Third and Fourth Year of His present Majesty's Reign, for regulating the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the third and fourth year of the reign of His present Majesty, intituled, “An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom, as explained and amended by an Act passed in the fourth year of the reign of His present Majesty, it is provided, that after the expiration of Thirty calendar Months from the passing of that Act, it shall not be lawful for any Person what soever to employ, keep or allow to remain in any Factory or Mill as therein aforesaid, for a longer time than Forty-eight hours in any one week, nor for a longer time than Nine hours in any one Day, except as therein provided, or without a certificate of the same form as is therein mentioned, any child who shall not have completed his or her thirteenth year of age :

And whereas it is expedient that the said provisions should be repealed ; **BE it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the said Act as is hereinbefore recited, and all Fines and Penalties for offending against the recited provisions of the said Act is and are hereby Repealed.

Preamble:
3 & 4 W. 4.
c. 103.

1.
3 & 4 W. 4.
c. 103, ss. 8.
11. in part
Repealed.

2.
No Certificate
need state
Child to
exceed 13.

And be it Enacted, That in every case in which by the said Act a Certificate is required in proof that any Person is above the age of Thirteen years, it shall be sufficient after the *passing of this Act* to state in the Certificate that such Person is above the age of *Twelve*; any thing in the said Act to the contrary notwithstanding.

Factories Act Amendment.

A

B I L L

To amend an Act of the Third and Fourth Year of His present Majesty's Reign, for regulating the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom.

(Prepared and brought in by

Mr. Poulett Thomson and Lord John Russell.)

Ordered, by The House of Commons, to be Printed,

14 March 1836.



A

B I L L

For the better Regulation and Protection of the Fisheries on the Coast of England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is highly necessary for the better encouragement of the breed of Fish, and to prevent the destruction of it on the Coast of England and Wales, that the Fish entering the bays and creeks thereof for the purpose of depositing their spawn and their brood or fry, should not during certain seasons of the year be disturbed or molested :

Preamble.

And whereas the Fishery is greatly injured during certain seasons of the year by Trawls and Drag Nets :

FOR the prevention thereof,

10 **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** from and after the *First day of August* it shall be lawful for the Justices of the Peace for the several and
15 respective Counties in England and Wales, or for the Cinque Ports, two ancient towns, and their members, assembled at any General or Quarter Sessions of the Peace, or any adjourned Sessions of the Peace, and they are hereby empowered from time to time to appoint for the districts within their respective jurisdictions proper persons to be Conservators
20 or Overseers of the Fisheries within such districts, with power to prevent, during certain seasons and within certain limits hereinafter mentioned, the disturbance of the Fish coming into such bays or creeks to deposit their spawn and to breed therein, and also to prevent injury to the breed and the spawn or fry of such Fish, and also otherwise to enforce and carry into effect the provisions and purposes of this Act within their respective districts.

Justices at their Sessions to appoint Conservators or Overseers.

2.
Limiting the powers of this Act, and declaring the Fence season.

AND in order the more certainly to determine and declare the seasons of the Fence and the limits of the Coasts to which the provisions of this Act shall extend; BE it Enacted, That the several months of *May, June, July* and *August* shall be the Fence months, and that so much of the Coast as is within the distance of *One* League from the shore, to be measured from low-water mark, or where there is less than *Ten* Fathoms water, shall be the Fence limits for the purposes of this Act; and that during such Fence months and within such Fence limits it shall not be lawful to use any trawl net nor any net dragging on the ground.

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3.
Penalty on persons using Trawl or Drag Nets during certain seasons within certain limits. Proviso as to Prawn and Shrimp Nets used by hand.

And be it further Enacted, That if any person shall during the said Fence months and within the said Fence limits use or cause to be used any Trawl Net or any net which drags upon the ground, such person shall for every such offence forfeit and pay any sum not exceeding *Ten* Pounds: Provided always, That nothing herein contained shall extend to any shore net used by hand for the taking of Prawns or Shrimps.

15

4.
Repealing certain parts of Acts 3 James 1, and 1 Geo. 1.

AND whereas by an Act passed in the third year of the reign of King JAMES the First, intituled, "An Act for the better Preservation of Sea Fish," it is declared, that every person which, after the First day of October next ensuing, in any haven, harbour, creek, or within Five Miles of the mouth of any haven, harbour or creek of the sea, shall fish with any draw net or drag net under Three Inches mesh, videlicet, One Inch and a half from knot to knot, or with any net with canvas, or other engine or device whereby the spawn fry or brood of Sea Fish may be destroyed, shall forfeit such net, and also forfeit for every time so doing Ten Shillings of lawful money of England: AND whereas by one other Act passed in the first year of the reign of King GEORGE the First, intituled, "An Act for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom, and for the Preservation of the Fry of Fish, and for the giving leave to import Lobsters and Turbots in foreign Bottoms; and for the better Preservation of Salmon within several Rivers in that part of this Kingdom called England," it is enacted, that from and after the Twenty-ninth day of September One thousand seven hundred and Sixteen, if any person or persons shall use at sea, upon the coast of that part of Great Britain called England, any trawl net, drag net or set net whatsoever, for the catching of any kind of Fish (except Herrings, Pilchards, Mackarel, Sprats or Lavidnian) which hath any mesh or moke of less size than Three Inches and a half at least from knot to knot, or which hath any false or double bottom, cod or pouch, or shall put any net or nets, though of legal size or mesh, upon or behind the others, in order to catch and destroy the small Fish which would have passed through any single net of Three Inches and a half mesh, all and every such person or persons so offending shall forfeit all and singular such net or nets so used contrary to the true intent and meaning thereof, and also for every

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every such offence the sum of Twenty Pounds of lawful money of Great Britain: AND whereas the provisions of the said recited Acts have been found insufficient to prevent the destruction of the brood and fry of Sea Fish; BE it therefore Enacted, That so much of the said recited Acts as may relate to or affect or concern any net or nets used or to be used at sea, shall, from and after the *First* day of *August* next after the *passing of this Act*, be repealed, and the same is hereby declared to be Repealed, and null and void, to all intents and purposes whatsoever.

10 AND for the better preventing the destruction of the breed and fry of Sea Fish; BE it Enacted, That if any person or persons shall from and after the *First* day of *August* next after the *passing of this Act*, use or cause to be used at sea within the limits prescribed by this Act, any trawl net or drag net whatsoever, for the catching of Fish, of what
15 nature or kind soever (except Prawns, Shrimps, Herrings, Pilchards, Sprats, Mackarel or Lavidnian), which hath any mesh or meshes of less size or scantling than *Three* Inches, (that is to say) *One Inch and a half* from knot to knot, or shall use or cause to be made use of any such net having a false or double bottom, cod or pouch, or shall put or
20 place or cause to be put or placed any net or nets, although the meshes thereof shall be of the size or scantling aforesaid, upon or behind any other net or nets, in order to catch and destroy the small Fish which would have passed through any single net with meshes of the size or scantling of *Three* Inches as aforesaid, then and in every
25 such case every such person so offending shall forfeit and lose all and every such net and nets, and shall also forfeit and pay for every such offence any sum not exceeding *Ten* Pounds.

5.
For preventing the destruction of the breed and fry of Sea Fish, &c., and penalty on persons using trawl or drag nets of certain size.

Provided always, and be it Enacted, That nothing herein contained shall extend or be construed to extend so as to deem any rubbing
30 pieces used with any such trawl net, or any pouch or pouches attached to the sides thereof, to be a false or double bottom, cod or pouch within the intent and meaning of this Act: Provided also, That the size or scantling of the mesh or meshes of such net or nets respectively shall be taken or measured when the same respectively shall be wet.

6.
Rubbing pieces used with trawl nets deemed not to be within the meaning of this Act.

35 And be it Enacted, That when such net or nets shall be forfeited as aforesaid, the same shall, together with the false or double bottom, cod or pouch attached thereto (if any) be burned, in case the Justice or Justices before whom the conviction shall take place shall so think fit; and he or they is and are hereby thereupon empowered to order and
40 direct the same to be burned accordingly forthwith.

7.
Nets forfeited to be burned.

Provided also, and be it Enacted, That nothing herein contained shall extend to or be deemed or construed to legalize, nor to demolish, take away or destroy any net, fish-hook, coop, bay or other work

8.
Act not to affect the present modes of Fishing.

which shall have been or may hereafter be lawfully erected, put, placed, fixed or used in any such arm of the sea or estuary, or mouth of any river, or in or upon any bank, sand or shore thereof, or near thereto, or in or near any river, rivulet, brook, stream, pond, pool or other water mill, lead mill, dam, sluice or cut which runs into or otherwise communicates therewith, or to the present modes or methods used for taking and killing Fish therein, other than and as are in this Act particularly prohibited. 5

9.
Any Justice
of the Peace
to order Nets
to be mea-
sured, &c.,
and penalty
on persons
using unlaw-
ful Nets.

And be it Enacted, That upon information on oath being made before any Justice of the Peace for the county or place in which the cause of such information shall have arisen (which oath and information such Justice is hereby enabled to administer and take), by any credible person whomsoever, that he has good reason to suspect that any illegal net or nets, the same being contrary to the provisions and directions of this Act, is or are in the possession or made use of by any Fisherman or other person whomsoever, then and in every such case it shall be lawful for such Justice, by warrant under his hand and seal, directed to any person or persons whomsoever, to cause the net or nets of such Fisherman or of such other person to be measured; and for that purpose it shall be lawful for the person or persons authorized by such warrant, in the day-time, together with such assistance as may be necessary, to search the dwelling-house or other place or places for the several nets in the use or possession of or belonging to the person or persons against whom such information shall be laid, and to measure the size and scantling of the several meshes thereof, and also to enter into any boat or other vessel for the purpose of duly executing such warrant; and if upon such measurement it shall appear that any such net or nets shall have any mesh or meshes thereof contrary to the provisions and directions in this Act contained, or that any false or double bottom, cod or pouch is attached thereto, it shall and may be lawful to and for the person or persons so executing such warrant, to seize such net or nets, together with the false or double bottom, cod or pouch attached thereto, and to convey the same to any Justice of the Peace for the county or place in which the offence shall have been committed, in order to the conviction of the offender or offenders. 10 15 20 25 30 35

10.
Penalty on
persons ob-
structing the
execution of
this Act.

And be it Enacted, That if any person or persons shall obstruct, hinder or prevent any person or persons authorized by such warrant, or his or their assistant or assistants, from searching for or measuring any such net or nets, or from seizing or conveying away the same in manner herein directed, or from entering such boat or vessel, or otherwise, from the due execution of such warrant, then and in every such case every such person shall forfeit and pay any sum not exceeding Ten Pounds. 40

And

And be it Enacted, That if any person or persons shall at any time or times within the limits aforesaid, from and after the *First* day of *August* next after the *passing of this Act*, wilfully and maliciously loosen, cut, injure or destroy any cable, hawser, rope, chain or other matter or thing by which any fishing boat or vessel, or sean or other fishing net shall be moored or fastened, or any line set with hooks for the purpose of catching Fish, or any buoy or buoy-rope respectively thereunto belonging, or any net, basket or lobster-pot, set or to be set for the purpose of catching or storing Lobsters, Crabs, Prawns or other Fish, or the buoy or buoy-ropes respectively thereunto belonging, or shall cut, injure or destroy any sean or other fishing-net, set, placed, used or employed in the catching or securing any Fish of any kind whatsoever; or if any person or persons shall be aiding or abetting therein; then and in every such case every such person so offending shall forfeit and pay for every such offence any sum not exceeding *Twenty* Pounds; and every such person or persons so offending shall make satisfaction and compensation for the damages thereby sustained to the person or persons injured.

11.
Penalty on persons cutting or injuring, &c. the cable, hawser, &c. of Fishing Boats.

AND whereas evil-disposed persons pull up and take and carry away the Lobsters, Crabs, Prawns and other Fish out of the catching-pots, baskets, nets, seans or lines, before the same are secured by the owners of such catching-pots, baskets, nets, seans and lines; FOR the prevention thereof, be it Enacted, That if any person or persons shall, after the *First* day of *August* next after the *passing of this Act*, take or carry away out of or from any catching-pot, basket, net, sean or line set and employed for the purpose of catching Lobsters, Crabs, Prawns or other Fish, any Lobster or Lobsters, Crab or Crabs, Prawn or Prawns, or other Fish, of what value or kind soever, not being the owner or owners of such catching-pot, basket, net, sean or line, or acting by or under his or their direction or authority, then and in every such case, every such person so offending shall forfeit and pay for every such offence any sum not exceeding *Ten* Pounds, over and above and in addition to the value of the Lobster or Lobsters, Crab or Crabs, or other Fish taken or carried away; such value to be ascertained and settled by the Justice before whom the offender or offenders shall be convicted; and in case the same shall not be forthwith paid, together with the penalty on conviction, the same shall and may be recovered in such and the like manner as any penalty can or may be recovered by virtue of this Act.

12.
Penalty on persons carrying away Lobsters or other Fish out of catching-pots before the same are secured.

AND whereas it would tend greatly to the prevention of damage and mischief being done to boats, nets and other fishing craft, if power were given to His Majesty's Justices of the Peace, within their respective jurisdictions, to settle and determine the same in certain cases; BE it therefore Enacted, That if any person or persons shall, within the limits aforesaid, wilfully and maliciously, or from not having

13.
Power for Magistrates to settle and determine damages done to Fishing Boats, in certain cases.

paid proper care and attention within the limits aforesaid, run, lay, cast
 or place, or cause to be run, laid, cast or placed, his, her or their boat
 or boats, nets, lines or other craft, or any boat or boats, nets, lines or
 other craft under his, her or their direction, against the boat or boats, nets,
 lines or other craft of any other person or persons whomsoever, so as to
 break, cut, injure or destroy or carry away the same, such person or
 persons shall make full satisfaction and compensation for the trespass,
 damage, spoil or mischief thereby sustained ; and in case of non-pay-
 ment thereof forthwith, or in case the parties shall differ respecting the
 same, such satisfaction and compensation shall and may be ascertained,
 settled and determined by any *Two* of His Majesty's Justices of the
 Peace for the county or place in which the offence shall have been
 committed ; and for that purpose it shall and may be lawful to and for
 any *One* Justice, on the complaint of the person or persons so injured,
 or of any person or persons on his, her or their behalf, and he is hereby
 required to summon the person or persons so charged with doing
 such trespass, damage, spoil or mischief, to appear to answer for
 the same ; and in case of his, her or their not appearing upon such
 summons, the same having been served upon him, her or them per-
 sonally, or left at his, her or their last or usual place or places of abode
 (no reasonable cause or causes being assigned for such non-appearance),
 to issue a warrant or warrants for his, her or their apprehension, and
 upon his, her or their appearing upon such summons, or being appre-
 hended and brought before any *Two* Justices by virtue of such warrant,
 or having absconded or not being to be found, it shall be lawful for
 such Justices to determine such complaint in a summary way, either
 upon the confession of the person or persons against whom such com-
 plaint shall be made, or by the oath or oaths of any credible witness
 or witnesses, and to ascertain, settle, fix and determine the amount of
 the satisfaction and compensation to be paid for such trespass, damage,
 spoil or mischief, and to order and direct the same to be paid forth-
 with, together with the costs, charges and expenses of the summons,
 warrant and hearing and determining such complaint ; and upon non-
 payment thereof forthwith, such Justices shall and they are hereby autho-
 rized and required, by a warrant or warrants under their hands and
 seals, to cause such money to be levied by distress and sale of the
 goods and chattels of the person or persons so directed to pay the
 same ; and if no goods or chattels shall be found to answer and satisfy
 the said money and the charges of levying the same, then and in every
 such case it shall and may be lawful to and for such Justices, and they
 are hereby required to commit the person or persons so complained
 against to the common gaol or house of correction of the county or
 place where the offence shall have been committed, there to remain
 without bail or mainprize for any term not exceeding *Six* calendar
 Months, unless such damages, costs and expenses shall be sooner paid
 and satisfied, and then only until the same shall be so paid and satis-
 fied :

fied : Provided always, That nothing herein contained shall enable the said Justices to ascertain or settle the damages in any such case or cases where the amount of the damages complained of shall exceed *Fifty* Pounds; and in case such damages shall be laid at a sum exceeding *Fifty* Pounds, then and in such case the same shall and may
 5 be recovered in any of His Majesty's Courts of Record at Westminster, or at the Great Sessions in Wales (as the case may be), by action of debt, or on the case, bill, suit or information; and the master or owner or owners of every fishing boat, net, line or other fishing craft whatsoever within the limits aforesaid, shall be, and he, she and they is and
 10 are hereby made answerable for any trespass, damage, spoil or mischief that shall by his, her or their boat, net, lines or other fishing craft, or by any of the persons belonging to or employed in or about the same respectively, be done to any boat, net, line or other fishing craft of what nature or kind soever; and the master or owner or owners of
 15 such boat, net, line or other fishing craft may be sued and prosecuted for the same in like manner before any such Justices, or by any such action as aforesaid (as the case may be), for the trespass, damage, spoil or mischief so done by the person or persons employed by him, her or them in or in the management of such boat, net, line or fishing craft.
 20

And be it Enacted, That in case the master or owner or owners of any fishing boat, net, line or other fishing craft whatsoever, within the limits aforesaid, shall be compelled to pay any penalty, or to make satisfaction for any damages by reason of any neglect or default duly
 25 proved before any *Two* Justices of the Peace to have been done or committed by any person or persons in his, her or their employ, such persons, and each and every of them, shall be liable to repay such penalty or damages (with the costs thereof) to such master or owner or owners; and in case of non-payment upon demand thereof, and oath made by such master or owner or owners of the payment made by
 30 him, her or them of such penalty, satisfaction or damage, and that the same and the costs thereof have not been repaid to him, her or them by such person so employed, or any of them, although demanded (such oath to be made before any *One* Justice of the Peace for the county or place where such neglect or default shall have been committed), the
 35 amount thereof shall be recovered in like manner as any penalty is hereby directed to be recovered.

14.
 Owners of Boats to recover from their servants the amount of damages caused by the negligence of their servants.

AND whereas offences may be committed against this Act by persons unknown to the Conservators or Overseers appointed to put the same in execution; BE it therefore Enacted, That it shall be lawful
 40 for any of the said Conservators or Overseers respectively, and such other person or persons as they or any of them shall call to their or any of their assistance, without any other warrant or authority than this Act, to seize and detain any such unknown person or persons who shall

15.
 For securing transient offenders.

commit any such offence or offences, and take him, her or them before any Justice of the Peace for the county or place in which, or on the coast of which, the offence or offences shall have been committed ; and such Justice is hereby empowered to proceed to the hearing and determining of the complaint.

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16.

Recovery and
Application of
Penalties.

And be it Enacted, That all fines, penalties and forfeitures imposed by this Act may be recovered in a summary way on the evidence of *One* or more credible witness or witnesses, or on the confession of the party offending, by the order or adjudication of any *One* Justice of the Peace for the county or place in or near which the offence shall be committed, on complaint to any such Justice for that purpose exhibited ; and every such Justice is hereby authorized and required to summon before him any witness or witnesses, and examine such witness or witnesses upon oath of and concerning such offence, matters and things, and to hear and determine the same ; and every such fine, penalty or forfeiture shall be levied, as well as the costs of such proceedings, in case of non-payment thereof, by distress and sale of the goods and chattels of the offender or offenders, or person or persons liable to pay the same, by warrant under the hand and seal of such Justice ; and the overplus (if any) of the monies so levied or recovered, after discharging the fine, penalty or forfeiture for which such warrant shall be issued, and the costs and expenses of recovering and levying the same, shall be returned upon demand to the owner or owners of the goods or chattels so seized or distrained ; and in case any such fine, penalty or forfeiture shall not be forthwith paid upon conviction, then it shall be lawful for such Justice to order the offender or offenders so convicted to be detained and kept in safe custody until return can conveniently be made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such Justice, for his, her or their appearance before such Justice, on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than *Eight Days* from the time of taking such security, and which security the said Justice is hereby empowered to take by way of recognizance or otherwise ; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such county or place respectively, and he is hereby authorized and required, by warrant under his hand and seal, to cause such offender or offenders to be committed to the common gaol of such county or place, there to remain without bail or mainprize for any time not exceeding *Three* calendar Months, unless such fines, penalties and forfeitures, and all reasonable costs and charges, shall be sooner paid and satisfied ; and all such fines, penalties and forfeitures, when so levied, shall be wholly applied and paid to the informer.

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Provided

Provided always, and be it Enacted, That all complaints or informations for offences against this Act, shall be laid within *Three* calendar Months after the offence committed, and not afterwards.

17.
Complaints to be laid within Three calendar Months.

AND for the more effectual prosecution of offences under this Act ;
5 BE it Enacted, That where any person shall be charged on oath of a credible witness, or before any Justice of the Peace, with any such offence, the Justice may summon the party charged to appear at a time and place to be named in such summons ; and if he shall not appear accordingly, then (upon proof of the service of the summons upon such
10 person, by delivering the same to him personally, or by leaving the same at his or her usual place of abode) the Justice may either proceed to hear and determine the case ex parte, or issue his warrant for apprehending such person and bringing him before himself or some other Justice of the Peace, or the Justice before whom the charge shall be
15 made may (if he shall so think fit), without any previous summons, issue such warrant ; and the Justice before whom the person charged shall appear or be brought, shall proceed to hear and determine the case.

18.
Power to apprehend offenders in the first instance.

And be it Enacted, That in all cases where any conviction shall be
20 had for any offence or offences committed against this Act, the Form of Conviction shall and may be in the words or to the effect following ; (that is to say)

19.
Form of Conviction.

“ BE it Remembered, That on this day of
in the year of our Lord

25 A. B. is convicted before me, C. D., one of His Majesty's Justices of the Peace for the of having [as the offence shall be], contrary to the provisions of an Act made in the year of the reign of King WILLIAM the Fourth, intituled [here set forth the
30 title of this Act] : And I, the said do adjudge him [or, her or them] to forfeit and pay for the same the sum of and also to pay the sum of for Costs. Given under my hand and seal the day and year aforesaid.”

35 And be it Enacted, That where any distress or distresses shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser, on account of any defect in the summons, conviction, warrant of distress, or other warrant
40 or proceedings relating thereto ; nor shall the party or parties distraining be deemed a trespasser or trespassers, ab initio, on account of any irregularity by him or them done or committed after such distress made or taken ; but the person or persons aggrieved by such irregularity

20.
Distress not to be deemed unlawful for want of form.

larity shall and may recover full satisfaction for the special damage in any action upon the case.

21.
Appeal to the
Quarter
Sessions.

And be it Enacted, That in case any person shall think himself or herself aggrieved by any conviction or penalty had or inflicted in pursuance of this Act, or by any conviction of any Justice of the Peace for any fine, penalty or forfeiture incurred under this Act, or by any thing done in pursuance of this Act, and for which no particular method of relief is hereby otherwise provided, it shall and may be lawful for such person to appeal to the first or second General or Quarter Sessions of the Peace for the county or place where the cause of complaint shall have arisen, to be holden next after the time when the cause of such appeal shall have arisen; provided that such Appellant or Appellants shall give or cause to be given 5 days' notice at the least, in writing, of his, her or their intention to bring such appeal, and of the matter thereof, and shall, within 10 days next after the date of such notice, enter into a recognizance before some Justice of the Peace acting within such jurisdiction, with *Two* sufficient Sureties conditioned to try such appeal, and to abide such order as shall be made, and to pay such costs as shall be awarded by the Justices assembled at such General or Quarter Sessions; and upon 15 due proof of such notice having been given as aforesaid, and the entering into such recognizance, the said Justices at such Sessions, before whom such appeal shall be brought, shall hear and finally determine the matter of such appeal in a summary way, and award such costs to the parties appealing or appealed against as the Justices at such Sessions shall think proper; and the Justices may, if 20 they see cause, mitigate any fine, penalty or forfeiture, and may order any money to be returned which shall have been levied in pursuance of this Act, and may also award such further satisfaction to be made to the party injured, as to the said Justices at such Sessions shall 25 seem reasonable; and the determination of such Justices thereupon shall be final, binding and conclusive upon all parties. 30

22.
Proceedings
not to be
quashed for
want of form.
No Certiorari.

And be it Enacted, That no conviction, judgment or other proceeding concerning any of the matters aforesaid, or concerning any offender or offenders against this Act, shall be quashed or vacated for 35 want of form only, nor shall be removed or removable by Certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster; any law or statute to the contrary thereof in anywise notwithstanding.

23.
Notice of
Action and
tender of
amends.

And be it Enacted, That no Plaintiff or Plaintiffs shall recover in 40 any Action to be commenced against any person or persons for any thing done in pursuance of this Act, unless notice in writing, signed by the Attorney or Attornies of such Plaintiff or Plaintiffs (specifying the 45 the

the cause of action) shall have been given to the Defendant or Defendants at least days before such action shall have been brought ; nor shall the Plaintiff or Plaintiffs in any such action recover any damages, if tender of sufficient amends shall have been made to such Plaintiff or Plaintiffs, or to his, her or their Attorney, by or on behalf of the Defendant or Defendants, before such action brought ; and in case no tender of amends shall have been made, it shall and may be lawful for the Defendant or Defendants, by leave of the Court, at any time before issue joined, to pay into Court such sum or sums of money as such Defendant or Defendants shall think fit ; whereupon such proceedings, orders and judgments shall be made and given in and by such Court as in other actions where Defendants are allowed to pay money into Court.

And be it Enacted, That no Action against any person or persons for or on account of any thing done in pursuance of this Act shall be commenced after the expiration of calendar Months next after the cause of action shall arise ; and every such action or suit shall be laid or brought in the county where the cause of action shall have arisen, and not elsewhere ; and the Defendant or Defendants in all actions or suits so brought, shall and may plead the General Issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act ; and if it shall appear to have been so done, or that such action or suit was brought before days' notice given to the Defendant or Defendants, or after sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, or shall be brought in any other county than as aforesaid, then and in every such case the jury shall find a verdict for the Defendant or Defendants, and upon such verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer discontinuance of his or their action or suit, after the Defendant or Defendants shall have appeared ; or if upon demurrer judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover full costs, and have the like remedy for the same as any Defendant or Defendants hath or may have for costs of suit in any other cases by law.

24.
Limitation of
Actions.

Provided always, and be it Enacted, That nothing in this Act contained shall extend or be construed to extend to alter any Act or Acts of Parliament, or any clause, provision, regulation or penalty or forfeiture contained in any Act or Acts of Parliament in force for the regulation of any Fishery or Fisheries, or the preservation thereof, or of the brood, spawn or fry of Fish in any particular county or arm of the sea, estuary or river.

25.
Not to affect
the provisions
of any Act ;

26.
Nor the rights
of Manors.

Provided always, and be it Enacted, That nothing herein contained shall extend to affect the rights of any lord or lords, lady or ladies of any manor; and it shall be lawful for such lord or lords, lady or ladies, and they are hereby required to appoint conservators for the protection of any river or rivers within their respective manors.

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27.
Nor to affect
the rights of
His Majesty,
or Corpora-
tions.

Provided also, and it is hereby Enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates, rights, interests, privileges, prerogatives or authority of The KING's most Excellent MAJESTY, His heirs and successors, or any body or bodies politic, corporate or collegiate, or their suc- 10
cessors, or to prohibit, defeat, alter or diminish any power, authority or jurisdiction which such body or bodies politic, corporate or collegiate, at the time of the *passing of this Act* did or might lawfully claim, use or exercise in any river or rivers as aforesaid.

28.
Nor to affect
the rights of
the City of
London.

Provided also, and it is hereby Enacted and Declared, That nothing 15
in this Act contained shall extend or be construed to extend to prejudice or derogate from the rights, interests, privileges, franchises or authority of the Mayor and Commonalty and Citizens of the City of London, or their successors, or the Lord Mayor of the said City for the time being, or to prohibit, defeat, alter or diminish any power, 20
authority or jurisdiction which at the time of making this Act the Mayor and Commonalty and Citizens of the City of London, or the Lord Mayor of the said City for the time being, as Conservator of the River Thames and Waters of Medway, did or might lawfully claim, use or exercise.

Fisheries.

A

B I L L

For the better Regulation and Protection of
the Fisheries on the Coast of England and
Wales.

(Prepared and brought in by
Captain Pechell and Sir John Yarde Buller.)

Ordered, by The House of Commons, to be Printed,
24 March 1836.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the better Regulation and Protection of the Fisheries on the Coast of *England* and *Wales*.

[N.B.—*The Causes marked (A.) and (B.) were added by the Committee.*]

WHEREAS it is highly necessary for the better encourage-
ment of the breed of Fish, and in order to prevent the de-
struction of it on the Coast of *England* and *Wales*, that the Fish enter-
ing the bays thereof for the purpose of depositing their spawn as well
as the brood or fry of Fish, should not during certain seasons of the
year be disturbed or molested :

Preamble.

And whereas the Fishery is greatly injured during certain seasons of
the year by Trawls and Drag Nets, and by Persons taking and de-
stroying Fish during the breeding season :

FOR the prevention thereof,

BE it therefore Enacted, by The KING's most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the
Authority of the same, THAT from and after the First day of January
it shall be lawful for the Justices of the Peace for the several and
respective Counties in *England* and *Wales*, or for the Cinque Ports, two
ancient towns, and their members, assembled at any General or Quarter
Sessions of the Peace, or any adjourned Sessions of the Peace, and they
are hereby empowered from time to time to appoint for the districts
within their respective jurisdictions proper persons to be Conservators
or Overseers of the Fisheries within such districts, with power to pre-
vent, during certain seasons and within certain limits hereinafter
mentioned, the disturbance of the Fish coming into such bays to
deposit their spawn and to breed therein, and also to prevent injury to

1.
Justices at
their Sessions
to appoint
Conservators
or Overseers.

the breed and the spawn or fry of such Fish, and also otherwise to enforce and carry into effect the provisions and purposes of this Act within their respective districts.

2.
Limiting the powers of this Act, and declaring the Fence season.

AND in order the more certainly to determine and declare the seasons of the Fence and the limits of the Coasts to which the provisions of this Act which relate to such seasons or limits shall extend; BE it Enacted, That the several months of May, June, July and August shall be the Fence months, and that so much of the Coast as is within the distance of One League from the shore, to be measured from low-water mark, or where there is less than Ten Fathoms water, shall be the Fence limits for the purposes of this Act; and that during such Fence months and within such Fence limits it shall not be lawful to use any trawl net nor any net dragging on the ground. 5 10

3.
Penalty on persons using Trawlor Drag Nets during certain seasons within certain limits. Proviso as to Prawn and Shrimp Nets used by hand.

And be it further Enacted, That if any person or persons shall from and after the First day of January next after the passing of this Act, save as is hereinafter excepted, during the said Fence months and within the said Fence limits, use or cause to be used any Trawl Net or any net which drags upon the ground, such person or persons shall for every such offence forfeit and pay any sum not exceeding Ten Pounds: Provided always, That nothing herein contained shall extend to any shore net used by hand for the taking of Prawns or Shrimps. 15 20

4.
CLAUSE (A.)
Power to Justices at Quarter Sessions to allow the use of Trawl and Drag-nets in certain cases.

AND whereas the said Fence months and the said Fence limits hereinbefore mentioned may be prejudicial on certain parts of the coast of *England* and *Wales*; BE it therefore Enacted, That it shall and may be lawful for the Justices of the Peace acting for the several general or quarter sessions of the peace for the several and respective counties in *England* and *Wales*, or for the Cinque Ports, two ancient towns and their members, and they are hereby empowered, at the request of any Three or more persons, such persons having first given a notice in some newspaper usually circulated within the county of their intention to apply to the said general or quarter sessions or adjourned sessions, to permit the use of trawls and drag-nets, and to take or kill any fish of what nature or kind whatsoever, at such times during such Fence months and within such Fence limits on such parts of the coast within their respective jurisdiction as they shall think fit: Provided that due notice of such permission be inserted in some newspaper usually circulated within the said county. 25 30 35

5.
CLAUSE (B.)
Penalty on persons taking Lobsters and Crabs during certain times on the coast of Norfolk and Suffolk.

AND whereas the principal time for the spawning of Lobsters and Crabs is in the months of June and July; BE it Enacted, That if any person or persons shall from and after the First day of January next after the passing of this Act, take, kill or destroy any Lobster or Crab on the coast of *Norfolk* and *Suffolk* within the Fence limits prescribed by this Act, from the Twenty-fifth day of June to the Twenty-fifth day of 40 of

of July in any year, every person or persons so offending shall forfeit and pay for every such offence any sum not exceeding Five Pounds.

6.

Repealing
certain parts
of Acts
3 James 1,
and 1 Geo. 1.

AND whereas by an Act passed in the third year of the reign of King JAMES the First, intituled, " An Act for the better Preservation of Sea Fish," it is declared, that every person which, after the First day of October next ensuing, in any haven, harbour, creek, or within Five Miles of the mouth of any haven, harbour or creek of the sea, shall fish with any draw net or drag net under Three Inches mesh, videlicet, One Inch and a half from knot to knot, or with any net with canvas, or other engine or device whereby the spawn fry or brood of Sea Fish may be destroyed, shall forfeit such net, and also forfeit for every time so doing Ten Shillings of lawful money of *England*: AND whereas by one other Act passed in the first year of the reign of King GEORGE the First, intituled, " An Act for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom, and for the Preservation of the Fry of Fish, and for the giving leave to import Lobsters and Turbots in foreign Bottoms; and for the better Preservation of Salmon within several Rivers in that part of this Kingdom called *England*," it is enacted, that from and after the Twentieth day of September One thousand seven hundred and Sixteen, if any person or persons shall use at sea, upon the coast of that part of *Great Britain* called *England*, any trawl net, drag net or set net whatsoever, for the catching of any kind of Fish (except Herrings, Pilchards, Mackarel, Sprats or Lavidnian) which hath any mesh or moke of less size than Three Inches and a half at least from knot to knot, or which hath any false or double bottom, cod or pouch, or shall put any net or nets, though of legal size or mesh, upon or behind the others, in order to catch and destroy the small Fish which would have passed through any single net of Three Inches and a half mesh, all and every such person or persons so offending shall forfeit all and singular such net or nets so used contrary to the true intent and meaning thereof, and also for every such offence the sum of Twenty Pounds of lawful money of *Great Britain*: AND whereas the provisions of the said recited Acts have been found insufficient to prevent the destruction of the brood and fry of Sea Fish; BE it therefore Enacted, That so much of the said recited Acts as may relate to or affect or concern any net or nets used or to be used at sea, shall, from and after the First day of January next after the passing of this Act, be repealed, and the same is hereby declared to be Repealed, and null and void, to all intents and purposes whatsoever.

7.

For preventing the destruction of the breed and

AND for the preventing at all times the destruction of the breed and fry of Sea Fish; BE it Enacted, That if any person or persons shall from and after the First day of January next after the passing of this Act,

fry of Sea Fish,
&c., and pe-
nalty on per-
sons using
trawl or drag
nets of certain
size.

at any time of the year use or cause to be used at sea within the limits prescribed by this Act, any trawl net or drag net whatsoever, for the catching of Fish, of what nature or kind soever (except Prawns, Shrimps, Herrings, Pilchards, Sprats or Mackarel), which hath any mesh or meshes of less size or scantling than Two Inches and a half in the clear, or which hath not sufficient side lines, or shall use or cause to be made use of any such net having a false or double bottom, cod or pouch, or shall put or place or cause to be put or placed any net or nets, although the meshes thereof shall be of the size or scantling aforesaid; upon or behind any other net or nets, in order to catch and destroy the small Fish which would have passed through any single net with meshes of the size or scantling of Two Inches and a half in the clear as aforesaid, or if any person or persons shall have in his or their possession in any place within Three Miles of the Coast, any such trawl or drag-net, with meshes of less size or scantling than Two Inches and a half in the clear as aforesaid, or which hath not sufficient side lines, then and in every such case every such person so offending shall forfeit and lose all and every such net and nets, and shall also forfeit and pay for every such offence any sum not exceeding Ten Pounds : Provided always, That every side-line attached to any trawl or drag-net shall be shorter than the net to which it is so attached by at least the One-sixth part of such net between the points of attachment.

8.
Rubbing
pieces used
with trawl
nets deemed
not to be
within the
meaning of
this Act.

Provided always, and be it Enacted, That nothing herein contained shall extend or be construed to extend so as to deem any rubbing pieces used with any such trawl net, or any pouch or pouches attached to the sides thereof, to be a false or double bottom, cod or pouch within the intent and meaning of this Act: Provided also, That the size or scantling of the mesh or meshes of such net or nets respectively shall be taken or measured when the same respectively shall be wet.

9.
Nets forfeited
to be burned.

And be it Enacted, That when such net or nets shall be forfeited as aforesaid, the same shall, together with the false or double bottom, cod or pouch attached thereto (if any) be burned, in case the Justice or Justices before whom the conviction shall take place shall so think fit; and he or they is and are hereby thereupon empowered to order and direct the same to be burned accordingly forthwith.

10.
Act not to
affect the pre-
sent modes of
Fishing.

Provided also, and be it Enacted, That nothing herein contained shall extend to or be deemed or construed to legalize, nor to demolish, take away or destroy any net, fish-lock, coop, bay or other work which shall have been or may hereafter be lawfully erected, put, placed, fixed or used in any such arm of the sea or estuary, or mouth of any river, or in or upon any bank, sand or shore thereof, or near thereto, or in or near any river, rivulet, brook, stream, pond, pool or other

other water mill, lead mill, dam, sluice or cut which runs into or otherwise communicates therewith, or to the present modes or methods used for taking and killing Fish therein, other than and as are in this Act particularly prohibited.

- 5 And be it Enacted, That upon information on oath being made before any Justice of the Peace for the county or place in which the cause of such information shall have arisen (which oath and information such Justice is hereby enabled to administer and take), by any credible person whomsoever, that he has good reason to suspect that
- 10 any illegal net or nets, the same being contrary to the provisions and directions of this Act, is or are in the possession of any person in any place within Three Miles of the coast, or made use of by any Fisherman or other person whomsoever, then and in every such case it shall be lawful for such Justice, by warrant under his hand and
- 15 seal, directed to any person or persons whomsoever, to cause the net or nets of such Fisherman or of such other person to be measured; and for that purpose it shall be lawful for the person or persons authorized by such warrant, in the day-time, together with such assistance as may be necessary, to search the dwelling-house or other place or places
- 20 mentioned in such information for the several nets in the use or possession of or belonging to the person or persons against whom such information shall be laid, and to measure the size and scantling of the several meshes thereof, and also to enter into any boat or other vessel for the purpose of duly executing such warrant; and if upon such measure-
- 25 ment it shall appear that any such net or nets shall have any mesh or meshes thereof contrary to the provisions and directions in this Act contained, or that any false or double bottom, cod or pouch is attached thereto, it shall and may be lawful to and for the person or persons so executing such warrant, to seize such net or nets, together with the false
- 30 or double bottom, cod or pouch attached thereto, and to convey the same to any Justice of the Peace for the county or place in which the offence shall have been committed, in order to the conviction of the offender or offenders.

11.
Any Justice of the Peace to order Nets to be measured, &c., and penalty on persons using unlawful Nets.

- And be it Enacted, That if any person or persons shall obstruct,
- 35 hinder or prevent any person or persons authorized by such warrant, or his or their assistant or assistants, from searching for or measuring any such net or nets, or from seizing or conveying away the same in manner herein directed, or from entering such boat or vessel, or otherwise, from the due execution of such warrant, then and in every such case
- 40 every such person shall forfeit and pay any sum not exceeding Ten Pounds.

12.
Penalty on persons obstructing the execution of this Act.

And be it Enacted, That if any person or persons shall from and after the First day of January next after the passing of this Act, wilfully and

270. A 3 maliciously

13.
Penalty on persons cutting or injuring, &c. the

cable, hawser,
&c. of Fishing
Boats.

maliciously loosen, cut, injure or destroy any cable, hawser, rope, chain or other matter or thing by which any fishing boat or vessel, or sean or other fishing net shall be moored or fastened, or any line set with hooks for the purpose of catching Fish, or any buoy or buoy-rope respectively thereunto belonging, or any net, basket or lobster-pot, set or to be set for the purpose of catching or storing Lobsters, Crabs, Prawns or other Fish, or the buoy or buoy-ropes respectively thereunto belonging, or shall cut, injure or destroy any sean or other fishing-net, set, placed, used or employed in the catching or securing any Fish of any kind whatsoever; or if any person or persons shall be aiding or abetting therein; then and in every such case every such person so offending shall forfeit and pay for every such offence any sum not exceeding Twenty Pounds; and every such person or persons so offending shall make satisfaction and compensation for the damages thereby sustained to the person or persons injured.

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14.

Penalty on
persons carry-
ing away
Lobsters or
other Fish
out of catch-
ing-pots.

AND whereas evil-disposed persons pull up and take and carry away Lobsters, Crabs, Prawns and other Fish out of the catching-pots, store-pots, baskets, nets, seans or lines; FOR the prevention thereof, Be it Enacted, That if any person or persons shall, after the First day of January next after the passing of this Act, take or carry away, out of or from any catching-pot, store-pot, basket, net, sean or line set and employed for the purpose of catching Lobsters, Crabs, Prawns or other Fish, any Lobster or Lobsters, Crab or Crabs, Prawn or Prawns, or other Fish, of what value or kind soever, not being the owner or owners of such catching-pot, store-pot, basket, net, sean or line, or acting by or under his or their direction or authority, then and in every such case, every such person so offending shall forfeit and pay for every such offence any sum not exceeding Ten Pounds, over and above and in addition to the value of the Lobster or Lobsters, Crab or Crabs, or other Fish taken or carried away; such value to be ascertained and settled by the Justice before whom the offender or offenders shall be convicted; and in case the same shall not be forthwith paid, together with the penalty on conviction, the same shall and may be recovered in such and the like manner as any penalty can or may be recovered by virtue of this Act.

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15.

Power for
Magistrates to
settle and de-
termine
damages done
to Fishing
Boats, in
certain cases.

AND whereas it would tend greatly to the prevention of damage and mischief being done to boats, nets and other fishing craft, if power were given to His Majesty's Justices of the Peace, within their respective jurisdictions, to settle and determine the same in certain cases; BE it therefore Enacted, That if any person or persons shall, wilfully and maliciously, or from not having paid proper care and attention run, lay, cast or place, or cause to be run, laid, cast or placed, his, her or their boat or boats, nets, lines or other craft, or any boat or boats, nets, lines or other craft under his, her or their direction, against the boat or boats, nets, lines

40

lines

lines or other craft of any other person or persons whomsoever, so as to break, cut, injure or destroy or carry away the same, such person or persons shall make full satisfaction and compensation for the trespass, damage, spoil or mischief thereby sustained ; and in case of non-payment thereof forthwith, or in case the parties shall differ respecting the same, such satisfaction and compensation shall and may be ascertained, settled and determined by any Two of His Majesty's Justices of the Peace for the county or place in which the offence shall have been committed ; and for that purpose it shall and may be lawful to and for any One Justice, on the complaint of the person or persons so injured, or of any person or persons on his, her or their behalf, and he is hereby required to summon the person or persons so charged with doing such trespass, damage, spoil or mischief, to appear to answer for the same ; and in case of his, her or their not appearing upon such summons, the same having been served upon him, her or them personally, or left at his, her or their last or usual place or places of abode (no reasonable cause or causes being assigned for such non-appearance), to issue a warrant or warrants for his, her or their apprehension, and upon his, her or their appearing upon such summons, or being apprehended and brought before any Two Justices by virtue of such warrant, or having absconded or not being to be found, it shall be lawful for such Justices to determine such complaint in a summary way, either upon the confession of the person or persons against whom such complaint shall be made, or by the oath or oaths of any credible witness or witnesses, and to ascertain, settle, fix and determine the amount of the satisfaction and compensation to be paid for such trespass, damage, spoil or mischief, and to order and direct the same to be paid forthwith, together with the costs, charges and expenses of the summons, warrant and hearing and determining such complaint ; and upon non-payment thereof forthwith, such Justices shall and they are hereby authorized and required, by a warrant or warrants under their hands and seals, to cause such money to be levied by distress and sale of the goods and chattels of the person or persons so directed to pay the same ; and if no goods or chattels shall be found to answer and satisfy the said money and the charges of levying the same, then and in every such case it shall and may be lawful to and for such Justices, and they are hereby required to commit the person or persons so complained against to the common gaol or house of correction of the county or place where the offence shall have been committed, there to remain without bail or mainprize for any term not exceeding Six calendar Months, unless such damages, costs and expenses shall be sooner paid and satisfied, and then only until the same shall be so paid and satisfied : Provided always, That nothing herein contained shall enable the said Justices to ascertain or settle the damages in any such case or cases where the amount of the damages complained of shall exceed Fifty Pounds ; and in case such damages shall be laid at a sum exceeding

ceeding Fifty Pounds, then and in such case the same shall and may be recovered in any of His Majesty's Courts of Record at *Westminster*, or at the Great Sessions in *Wales* (as the case may be), by action of debt, or on the case, bill, suit or information; and the master or owner or owners of every fishing boat, net, line or other fishing craft whatsoever shall be, and he, she and they is and are hereby made answerable for any trespass, damage, spoil or mischief that shall by his, her or their boat, net, lines or other fishing craft, or by any of the persons belonging to or employed in or about the same respectively, be done to any boat, net, line or other fishing craft of what nature or kind soever; and the master or owner or owners of such boat, net, line or other fishing craft may be sued and prosecuted for the same in like manner before any such Justices, or by any such action as aforesaid (as the case may be), for the trespass, damage, spoil or mischief so done by the person or persons employed by him, her or them in or in the management of such boat, net, line or fishing craft.

16.

Owners of
Boats to re-
cover from
their servants
the amount
of damages
caused by the
negligence of
their servants.

And be it Enacted, That in case the master or owner or owners of any fishing boat, net, line or other fishing craft whatsoever shall be compelled to pay any penalty, or to make satisfaction for any damages by reason of any neglect or default duly proved before any Two Justices of the Peace to have been done or committed by any person or persons in his, her or their employ, such persons, and each and every of them, shall be liable to repay such penalty or damages (with the costs thereof) to such master or owner or owners; and in case of non-payment upon demand thereof, and oath made by such master or owner or owners of the payment made by him, her or them of such penalty, satisfaction or damage, and that the same and the costs thereof have not been repaid to him, her or them by such person so employed, or any of them, although demanded (such oath to be made before any One Justice of the Peace for the county or place where such neglect or default shall have been committed), the amount thereof shall be recovered in like manner as any penalty is hereby directed to be recovered.

17.

For securing
transient
offenders.

AND whereas offences may be committed against this Act by persons unknown to the Conservators or Overseers appointed to put the same in execution; BE it therefore Enacted, That it shall be lawful for any of the said Conservators or Overseers respectively, and such other person or persons as they or any of them shall call to their or any of their assistance, without any other warrant or authority than this Act, to seize and detain any such unknown person or persons who shall commit any such offence or offences, and take him, her or them before any Justice of the Peace for the county or place in which; or on the coast of which, the offence or offences shall have been committed; and such Justice is hereby empowered to proceed to the hearing and determining of the complaint.

And

(9)

18.

Recovery and
Application of
Penalties.

And be it further Enacted, That all penalties and forfeitures by virtue of this Act imposed, the manner of levying, recovering and applying whereof is not hereby otherwise particularly directed, shall be levied and recovered by distress and sale of the goods and chattels of the offender or offenders by warrant under the hand and seal of any Justice of the Peace for the county or place in which, or on the coast of which the offence or offences shall have been committed; and in case any harbour, haven, bay or creek or arm of the sea shall be situate, lying or being between two counties, then and in such case before any Justice of the Peace for either of the said counties (which warrant such Justice is hereby empowered to grant), upon the confession of the party or parties accused, or upon the evidence of any credible witness or witnesses upon oath (which oath such Justice is hereby empowered to administer); and the overplus (if any) of the money arising by such distress and sale, shall be returned upon demand to the owner of such goods and chattels, after deducting the costs and charges of making, keeping and selling such distress; and all such penalties and forfeitures shall go to the informer or party injured, or to the poor of any parish in the county or division in which, or on the coast of which the offence may have been committed, as the said Justice shall in that behalf direct; and in case such penalties and forfeitures shall not be paid forthwith upon conviction, then and in such case it shall and may be lawful to and for such Justice, and he is hereby authorized and required to order the offender or offenders so convicted, to be detained and kept in safe custody until return can conveniently be made to such warrant of distress, unless the offender or offenders shall give sufficient security to the satisfaction of such Justice for his, her or their appearance before such Justice, or some other Justice for the county or place on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than Seven Days from the time of taking any such security; but if upon return of such warrant it shall appear that no sufficient distress can be had thereon, then and in such case it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by warrant under his hand and seal, to cause the offender or offenders to be committed to the common gaol or house of correction, there to remain without bail or mainprize for any time not exceeding Three calendar Months, unless such penalties and forfeitures, and all reasonable charges attending the recovery thereof, shall be sooner fully paid and satisfied.

19.

Complaints to
be laid within
Three calendar
Months.

Provided always, and be it Enacted, That all complaints or informations for offences against this Act, shall be laid within Three calendar Months after the offence committed, and not afterwards.

20.
Power to ap-
prehend
offenders in
the first
instance.

AND for the more effectual prosecution of offences under this Act ;
BE it Enacted, That where any person shall be charged on oath of a
credible witness, or before any Justice of the Peace, with any such
offence, the Justice may summon the party charged to appear at a time
and place to be named in such summons ; and if he shall not appear 5
accordingly, then (upon proof of the service of the summons upon such
person, by delivering the same to him personally, or by leaving the
same at his or her usual place of abode) the Justice may either proceed
to hear and determine the case *ex parte*, or issue his warrant for appre-
hending such person and bringing him before himself or some other 10
Justice of the Peace, or the Justice before whom the charge shall be
made may (if he shall so think fit), without any previous summons,
issue such warrant ; and the Justice before whom the person charged
shall appear or be brought, shall proceed to hear and determine
the case. 15

21.
Form of Con-
viction.

And be it Enacted, That in all cases where any conviction shall be
had for any offence or offences committed against this Act, the Form of
Conviction shall and may be in the words or to the effect following ;
(that is to say) :

“ BE it Remembered, That on this day of 20
in the year of our Lord
A. B. is convicted before me, C. D., one of His
Majesty's Justices of the Peace for the
of having [*as the offence shall be*], contrary to the provi-
sions of an Act made in the year of the reign of 25
King WILLIAM the Fourth, intituled [*here set forth the*
title of this Act] : And I, the said
do adjudge him [*or, her or them*] to forfeit and pay for the
same the sum of and also to pay
the sum of for Costs. Given under 30
my hand and seal the day and year aforesaid.”

22.
Distress not to
be deemed un-
lawful for
want of form.

And be it Enacted, That where any distress or distresses shall be
made for any sum or sums of money to be levied by virtue of this Act,
the distress itself shall not be deemed unlawful, nor the party or
parties making the same be deemed a trespasser, on account of any 35
defect in the summons, conviction, warrant of distress, or other warrant
or proceedings relating thereto ; nor shall the party or parties dis-
training be deemed a trespasser or trespassers, *ab initio*, on account of
any irregularity by him or them done or committed after such distress
made or taken ; but the person or persons aggrieved by such irregu-
larity shall and may recover full satisfaction for the special damage in
any action upon the case.

And

And be it Enacted, That in case any person shall think himself or herself aggrieved by any conviction or penalty had or inflicted in pursuance of this Act, or by any conviction of any Justice of the Peace for any fine, penalty or forfeiture incurred under this Act, or by any thing done in pursuance of this Act, and for which no particular method of relief is hereby otherwise provided, it shall and may be lawful for such person to appeal to the first or second General or Quarter Sessions of the Peace for the county or place where the cause of complaint shall have arisen, to be holden next after the time when the cause of such appeal shall have arisen; provided that such Appellant or Appellants shall give or cause to be given days' notice at the least, in writing, of his, her or their intention to bring such appeal, and of the matter thereof, and shall, within days next after the date of such notice, enter into a recognizance before some Justice of the Peace acting within such jurisdiction, with Two sufficient Sureties conditioned to try such appeal, and to abide such order as shall be made, and to pay such costs as shall be awarded by the Justices assembled at such General or Quarter Sessions; and upon due proof of such notice having been given as aforesaid, and the entering into such recognizance, the said Justices at such Sessions, before whom such appeal shall be brought, shall hear and finally determine the matter of such appeal in a summary way, and award such costs to the parties appealing or appealed against as the Justices at such Sessions shall think proper; and the Justices may, if they see cause, mitigate any fine, penalty or forfeiture, and may order any money to be returned which shall have been levied in pursuance of this Act, and may also award such further satisfaction to be made to the party injured, as to the said Justices at such Sessions shall seem reasonable; and the determination of such Justices thereupon shall be final, binding and conclusive upon all parties.

23.
Appeal to the
Quarter
Sessions.

And be it Enacted, That no conviction, judgment or other proceeding concerning any of the matters aforesaid, or concerning any offender or offenders against this Act, shall be quashed or vacated for want of form only, nor shall be removed or removable by *Certiorari*, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any law or statute to the contrary thereof in anywise notwithstanding.

24.
Proceedings
not to be
quashed for
want of form.
No *Certiorari*.

And be it Enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any person or persons for any thing done in pursuance of this Act, unless notice in writing, signed by the Attorney or Attornies of such Plaintiff or Plaintiffs (specifying the cause of action) shall have been given to the Defendant or Defendants at least Days before such action shall have been brought; nor shall the Plaintiff or Plaintiffs in any such action recover any damages, if tender of sufficient amends shall have been made

25.
Notice of
Action and
tender of
amends.

to such Plaintiff or Plaintiffs, or to his, her or their Attorney, by or on behalf of the Defendant or Defendants, before such action brought; and in case no tender of amends shall have been made; it shall and may be lawful for the Defendant or Defendants, by leave of the Court, at any time before issue joined, to pay into Court such sum or sums 5 of money as such Defendant or Defendants shall think fit; whereupon such proceedings, orders and judgments shall be made and given in and by such Court as in other actions where Defendants are allowed to pay money into Court.

26.
Limitation of
Actions.

And be it Enacted, That no Action against any person or persons for 10 or on account of any thing done in pursuance of this Act shall be commenced after the expiration of calendar Months next after the cause of action shall arise; and every such action or suit shall be laid or brought in the county where the cause of action shall have arisen, and not elsewhere; and the Defendant or Defendants in all 15 actions or suits so brought, shall and may plead the General Issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or that such action or suit was brought before Days' notice given 20 to the Defendant or Defendants, or after sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, or shall be brought in any other county than as aforesaid, then and in every such case the jury shall find a verdict for the Defendant or Defendants, and upon such verdict, or if the Plaintiff or Plaintiffs 25 shall be nonsuited, or suffer discontinuance of his or their action or suit, after the Defendant or Defendants shall have appeared; or if upon demurrer judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover full costs, and have the like remedy for the same as any Defendant or Defendants hath or may 30 have for costs of suit in any other cases by law.

27.
Not to affect
the provisions
of any Act;

Provided always, and be it Enacted, That nothing in this Act contained shall extend or be construed to extend to alter any Act or Acts of Parliament, or any clause, provision, regulation or penalty or forfeiture contained in any Act or Acts of Parliament in force for the re- 35 gulation of any Fishery or Fisheries, or the preservation thereof, or of the brood, spawn or fry of Fish in any particular county or arm of the sea, estuary or river.

28.
Nor the rights
of Manors.

Provided always, and be it Enacted, That nothing herein contained shall extend to affect the rights of any lord or lords, lady or ladies of any manor; and it shall be lawful for such lord or lords, lady or 40 ladies, and they are hereby required to appoint conservators or overseers for the protection of any river or rivers within their respective manors,

Provided

Provided also, and it is hereby Enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates, rights, interests, privileges, prerogatives or authority of The KING's most Excellent MAJESTY, His heirs and successors,
 5 or any body or bodies politic, corporate or collegiate, or their successors, or to prohibit, defeat, alter or diminish any power, authority or jurisdiction which such body or bodies politic, corporate or collegiate, at the time of the passing of this Act did or might lawfully claim, use or exercise in any river or rivers as aforesaid.

29.
 Nor to affect
 the rights of
 His Majesty,
 or Corpora-
 tions.

10 Provided also, and it is hereby Enacted and Declared, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the rights, interests, privileges, franchises or authority of the Mayor and Commonalty and Citizens of the City of *London*, or their successors, or the Lord Mayor of the said City for
 15 the time being, or to prohibit, defeat, alter or diminish any power, authority or jurisdiction which at the time of making this Act the Mayor and Commonalty and Citizens of the City of *London*, or the Lord Mayor of the said City for the time being, as Conservator of the River *Thames* and Waters of *Medway*, did or might lawfully claim, use or exercise.

30.
 Nor to affect
 the rights of
 the City of
 London.

Fisheries.

A

B I L

[AS AMENDED BY THE COMMITTEE]

For the better Regulation and Protection of
the Fisheries on the Coast of *England* and
Wales.

(*Prepared and brought in by*
Captain Pechell and Sir John Yarde Buller.)

Ordered, by The House of Commons, to be Printed,
11 May 1836.

16 June 1836.—6 WILL. IV.

FISHERIES BILL.

PROPOSED CLAUSE

To protect Open Boats in Suffolk.

AND whereas the said fence months and the said fence limits hereinbefore mentioned, may be prejudicial to the small open boat Fisheries on the coast of the county of *Suffolk* ; BE it Enacted, That it shall and may be lawful to permit the aforesaid open boat Fisheries to use trawls and drag nets, and to take and kill any fish of what nature or kind soever, at such times during such fence limits, provided such permission be extended only to Fisheries using open boats manned by not more than Two men, or a man and a boy, and that the person or persons in such open boats do not use false bottoms to their nets, called by fishermen slips or caps, or by whatever other name, and do not drag or trawl in the mouths of rivers, or in narrow bays ; and that for every offence against such provisions, the owners of the boat, or person or persons in charge of the boat, shall forfeit and pay any sum not exceeding Five Pounds.

Owners of open Boats to use Trawls under certain restrictions, subject to a Penalty for acting contrary to the provisions of this Act.

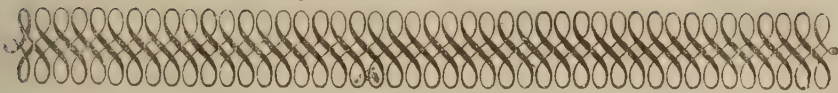
FISHERIES BILL.

PROPOSED CLAUSE

To protect Open Boats in Suffolk.

*Ordered, by The House of Commons, to be Printed,
16 June 1836.*

4 July 1836.—7 WILL. IV.



A

B I L L

To fix the Standard Qualities of Gold and Silver Plate in Scotland, and to provide for the Assaying and Marking thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

- W**HEREAS it is expedient that all Gold and Silver Plate and Wares wrought, sold or exchanged in Scotland should be respectively of certain standard qualities, and should be assayed and marked in manner hereinafter mentioned; **B**E IT
- 5 **Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the day of
- no Goldsmith, Silversmith or other person in Scotland
- 10 shall work or make, or cause or procure to be wrought or made any Gold Vessel, Plate or Manufacture or Ware of Gold whatsoever less in fineness than *Eighteen Carats* of fine Gold in every pound weight troy; nor work or make, or cause or procure to be wrought or made any Silver Vessel, Plate or Manufacture or Ware whatsoever
- 15 less in fineness than *Eleven Ounces* and *Two Pennyweights* of fine Silver in every pound weight troy; nor sell, exchange, or keep or expose for sale, or export or attempt to export out of Scotland any Gold Vessel, Plate or Manufacture or Ware of Gold whatsoever wrought or made after the said day of
- 20 less in fineness than *Eighteen Carats* of fine Gold in every pound weight troy, nor sell, exchange, or keep or expose for sale, nor export nor attempt to export out of Scotland any Silver Vessel, Plate or Manufacture or Ware of Silver whatsoever wrought or made after the said day of less in fineness than *Eleven Ounces* and *Two Pennyweights* of fine Silver in every
406. A pound

Preamble.

I.
Goldsmiths
not to work
Gold or Silver
Plate inferior
to certain
standard
qualities.

pound weight troy, and every Goldsmith, Silversmith or other person who shall after the said day of work or make, or cause or procure to be wrought or made, or sell, exchange, keep or expose for sale, or export or attempt to export out of Scotland any Gold or Silver Vessel, Plate or Manufacture or Ware of Gold or Silver less in fineness respectively than is hereinbefore directed, shall for each piece of Gold or Silver Plate so sold, exchanged or kept or exposed for sale, or exported or attempted to be exported as aforesaid, forfeit and pay a sum not exceeding *One hundred* Pounds, to be levied, recovered and applied in manner hereinafter mentioned. 5 10

2.
Goldsmiths to send their Names, Descriptions and Marks to the Goldsmiths' Incorporation of Edinburgh, or the Goldsmiths' Company of Glasgow.

And be it Enacted, That on or before the day of every Goldsmith, Silversmith or Plate-worker or other person carrying on any of the said trades in Scotland; and also every person who at any time after the said day of shall follow the trade of a Goldsmith, Silversmith or Plate-worker, before he shall exercise the same, shall send or deliver either to the Wardens of the Incorporation of Goldsmiths of the City of Edinburgh, or to the Wardens of the Glasgow Goldsmiths' Company, a written statement of his christian and surnames, and also, if he shall carry on trade in copartnership, of the style or firm of the said copartnership, and of his place of abode and business, and of his mark to be used as is hereinafter provided, which said mark shall be the initial letters of his christian and surnames, or in the case of members of a partnership, the initial letters of the words composing the style or firm under which the business of such partnership shall be carried on; and shall also from time to time, when any alteration of circumstances shall take place in any of the said particulars, send or deliver in as aforesaid a like statement of such alteration within Months after the same shall take place, and such statements respectively shall be entered by the said Wardens, without fee or reward, in the respective books or registers of the said Incorporation or Company, and every such Goldsmith, Silversmith or Plate-worker who shall neglect or refuse to send or deliver such statement, or who shall use or strike any other mark on such Plate or Ware as aforesaid than that which he shall so send or deliver, shall for every such offence forfeit and pay the sum of *One hundred* Pounds, to be levied, recovered and applied in manner hereinafter mentioned. 15 20 25 30 35 40

3.
Goldsmiths to strike their Mark on Plate and send it to the Assay Office to be assayed, and if found standard marked with certain Marks.

And be it further Enacted, That every such Goldsmith, Silversmith and Plate-worker or person carrying on any of the said trades in Scotland, shall first strike or stamp his mark upon all Gold and Silver Plate or Ware (except as is hereinafter excepted) which he shall

shall make or work, or cause or procure to be wrought or made after the said day of , and shall then bring or send the same to the Assay Office of the Incorporation or Company to which he shall have sent or delivered his name and firm, place of
5 abode and business and mark 'as aforesaid, together with a note or memorandum in writing, specifying the day of the month and year when such Plate is so sent to be assayed, the place of business, and the christian and surnames of the worker or maker, or the style or firm of the workers or makers of such Plate, the several
10 species in each parcel of Plate, and the number of pieces of each species, with the total weight of such pieces, and the standard or quality for denoting which the worker or maker shall require such pieces respectively to be marked, and such Plate or Ware shall be assayed at such Assay Office in manner hereinafter directed; and
15 such Gold Plate or Ware as shall be ascertained to be not less in fineness than *Twenty-two Carats* of fine Gold in every pound weight troy, and such Silver Plate or Ware as shall be ascertained to be not less in fineness than *Eleven Ounces* and *Two Pennyweights* of fine Silver in every pound weight troy, shall be marked at such
20 Assay Office as follows; that is to say, with the mark of the Thistle, and with a distinct variable letter, denoting the year in which such Plate shall be marked, and also with the mark or marks used or to be used by the Incorporation or Company at whose Assay Office the same shall be assayed; and such Gold Plate or Ware as shall
25 be ascertained to be not less in fineness than *Eighteen Carats* of fine Gold in every pound weight troy, shall be marked with the figures 18, in addition to the said several marks hereinbefore required; and such Silver Plate or Ware as shall be ascertained to be not less in fineness than *Eleven Ounces* and *Ten Pennyweights* of fine Silver in
30 every pound weight troy, shall be marked with the figure of *Britannia* in addition to the several other marks hereinbefore required.

And be it further Enacted, That it shall and may be lawful to and for the Assayer of such Assay Office, or such other person or persons as shall be appointed for that purpose by the Incorporation
35 or Company to which such Assay Office shall belong, and he and they are hereby authorized and empowered to demand, levy and receive from such person and persons as shall bring to such Assay Office any Gold or Silver Plate or Ware to be assayed and marked, for the assaying and marking thereof such sums of money as shall be
40 found necessary for defraying the expenses of such Assay Office, and such sums shall or may be levied in respect of such Plate or Ware, either in proportion to the weight thereof, or by the piece upon any single piece of such Plate or Ware which shall not exceed, if of Gold the weight of Ounces, or if of Silver the weight of Ounces; Provided always, That such sums, where the same

4.
Assayers em-
powered to
levy Rates
upon Plate
sent to be
assayed.

shall be levied by weight, shall not exceed the rate of *One Shilling* for every ounce of Gold, and *One Penny* for every ounce of Silver, and so in proportion for any greater or less quantity; and that such sums, where the same shall be levied by the piece, shall not exceed
 for each piece of Gold Plate or Ware, or for 5
 each piece of Silver Plate or Ware, and such Incorporation and Company respectively shall from time to time fix and appoint such sums so to be levied upon each ounce weight or upon each piece according to the nature and description thereof, and hang up and maintain in their Assay Office a Table of the Rates for the time exigible by the 10
 Assayer for the assaying and marking of Plate and Ware, which rates so fixed from time to time shall, with the exceptions hereinafter mentioned, be charged and levied equally in respect of all Plate and Ware of the same species and weight or description which shall be assayed and marked at such Assay Office, and no reduction or 15
 advance which may be made as hereinafter provided in the said rates shall either directly or indirectly be made partially or in favour of or against any particular person or class of persons, but every such reduction or advance shall extend to all Plate and Ware of the same species and weight or description, and to all persons sending 20
 the same to be assayed and marked as aforesaid: Provided always, That such Assayer or other person aforesaid shall deduct from the amount of the rates or sums demanded in respect of any parcel of Plate or Ware which shall be sent to such Assay Office, from any distance greater than *Thirty Miles* therefrom, a sum not greater than *One-* 25
third of the amount of such rates or sums for or in respect of the expense of the carriage of such parcel to and from such Assay Office.

5.
 Plate of objectionable
 Manufacture to be returned
 without Assay.
 Drawings to be taken for
 Assay and
 Diet.

And be it Enacted, That all Gold and Silver Plate and Ware which shall be brought to either of the said Assay Offices shall be 30
 weighed and examined by the Assayer, and if it shall appear that the same is not all of one quality of Gold or Silver, or if it be not marked with the worker's mark, or if it be charged with unnecessary solder, or if all the pieces be not affixed together which it shall appear 35
 are intended to be affixed together, then in any of such cases, if no intention of fraud shall appear, such Plate or Ware shall be returned to the owner thereof without being marked; but if such Plate or Ware shall be found free from all the objections aforesaid, there shall be drawn or scraped so much from each piece, in proportion to the weight thereof, as will not exceed in the whole the rate of *Eight* 40
Grains for every pound weight troy, and such drawings or scrapings shall immediately afterwards be divided into *Two* equal portions, *One* whereof shall be kept by the Assayer and used by him for the purpose of making his Assays, and the other portion shall be locked up with *Two* different locks in boxes to be provided for that purpose, which

which shall be called the Assayer's Boxes, the one of which shall be the box for Gold and the other the box for Silver, and in each of which boxes there shall be *Two* compartments, and the respective keys of each of such boxes shall be kept by the Deacon of the said
 5 Incorporation, or by the Chairman or Preses of the said Company respectively, and by the Assayer of the said Incorporation or Company.

And be it further Enacted, That if on view of any wrought or manufactured Plate or Ware of Gold or Silver brought to either of
 10 the said Assay Offices to be assayed and marked, the Assayer shall suspect that too great a quantity of base metal or solder is contained or concealed in such Plate or Ware, or has been used in or about the manufacture thereof, or shall discover or suspect that any fraud or deceit has been practised or intended in such manufacture by
 15 joining together metals of different standards of fineness in the same article, it shall be lawful for the said Assayer, in the presence of any *Two* or more of the Wardens, whom in that case he is hereby directed to call in for the purpose, to break, cut asunder or otherwise test such article, and if it shall appear that an undue quantity
 20 of base metal or solder is contained or present in any part thereof, or that the same has been fraudulently or deceitfully manufactured by joining together metals of different standards of fineness, some of such metals being worse than the standard with the marks denoting which such article shall have been required by the worker to be
 25 marked, such Plate shall be defaced, and the same or the value thereof, together with the money paid or left for the Assay and touch thereof, shall be forfeited to the said Incorporation or Company to whose Assay Office the same shall be brought, to be by them applied towards the expenses of their said Assay Office: Provided
 30 always, That if on cutting, breaking, unsoldering or otherwise testing the quality or manufacture of any such Plate under the authority aforesaid, no unnecessary solder or other base metal shall be found therein, and no such fraud or deceit shall appear to have been practised in the manufacture thereof, the Assayer and Wardens
 35 so testing the same shall forthwith make recompense and satisfaction in money to the Owner of such Plate to the full amount of the damage done thereto, and charge the same to the account of the expenses of the Assay Office to which such article shall have been so brought, and in the event of the Owner of such Plate being dis-
 40 satisfied with the judgment of the said Assayer and Wardens, the matter shall be settled and determined by *Two* Justices or Magistrates of the city in which such Assay Office shall be situate, upon complaint being made to them by the party alleged to be injured, and such Justices or Magistrates may proceed by examination of witnesses on oath, if necessary, which oath they are hereby
 406. A 3 empowered

6.

Assayer may
 test Plate.
 Compensation
 to be made for
 damage. Dis-
 puts to be
 settled by Two
 Justices.

empowered to administer, and such sum as they shall see fit to award as the amount of damage shall be recoverable as a debt due from the said Wardens, Assayer or other Officer to the party so injured as aforesaid.

7.

Portion of Drawings to be assayed, and if inferior to standard, Plate to be defaced; if equal to be worked,

And be it Enacted, That the portion of the drawings or scrap- 5
ings of each piece of Gold or Silver Plate or Ware so taken by the
Assayer as aforesaid for the purpose of making his Assays shall be
assayed by him, and if the same shall be found to be of a quality
inferior to that standard with the marks denoting which the Owner
or Owners thereof shall have required the piece wherefrom such 10
drawings or scrapings shall have been taken to be marked, such
piece shall be broken and defaced, and in such defaced state returned
to the Owner; and such pieces as the said Assayer shall ascertain
to be of equal or superior fineness to the standard for denoting
which the said Owner or Owners shall have required the same to be 15
marked, shall be marked by the Assayer with the marks hereby
directed to be provided in that behalf, and delivered to the Owner
or bringer of such plate (he paying for the Assay and marking
thereof such sums as are hereby authorized to be charged and
levied for assaying and marking such Plate), and the drawings or 20
scrapings belonging to such piece so marked shall be taken out of
the Assayer's Box and shall be deposited in boxes to be called the
Diet Boxes to be provided for that purpose, the one of which shall
be the box for Gold and the other the box for Silver, and in each of
which boxes there shall be *Two* compartments, in such part thereof 25
as shall be appropriated to the standard the marks of which shall
have been stamped on the piece from which such drawings or
scrapings shall have been taken, and each of such Diet Boxes shall
be locked with *Two* different locks, the respective keys whereof shall
be kept by the said Deacon and Chairman or Preses respectively 30
and by the Assayer, and the said boxes shall not be opened except
in the presence of the said Court of Wardens and the said Assayer,
and none of the scrapings or drawings shall be taken out of either of
such boxes except for the purpose of trial of the Diet annually as
hereinafter directed, and the other portion of the said scrapings or 35
drawings, or so much thereof as shall remain after the Assay
thereof, shall be deposited together in the Assayer's Box in the part
thereof to be appropriated for that purpose, and the same shall be
disposed of in manner hereinafter directed.

8

Assayer to weigh and sell Drawings from Plate assayed.

And be it further Enacted, That the Assayer of the said Incorpor- 40
ation or Company respectively shall, in the presence of the re-
spective Wardens thereof, *Four* times in every year duly weigh all
the drawings and scrapings deposited in the Assayer's Boxes, and
enter the true weight thereof in a book to be kept for that purpose;
and

and it shall then be lawful for the said Wardens to sell such drawings and scrapings, and the produce of such sale shall be entered in their book of receipts and payments for and on the account of their said Assay Office, and shall be applied towards the expenses of such office.

And be it further Enacted, That the Diet Boxes belonging to the said Incorporation and Company respectively shall *Once* in every year be opened in presence of the Assayer and Wardens thereof, who shall cause the Diets contained therein, with a note of the alleged standards thereof respectively, to be delivered to such person or persons as shall from time to time be appointed by the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, or the Commissioners of His Majesty's Treasury, or any *Three* or more of them, for the trial of Gold and Silver Plate in Scotland, and such person or persons shall give to the Assayer whose Diets are to be tried notice of the time and place appointed for such trial, in order that he may be present thereat if he thinks fit, and if upon such trial the said Diets shall be found equal or superior to the alleged standards thereof respectively, then and in such case such person or persons shall return the said Diets to, or to the order of the Wardens of the said Incorporation and Company respectively, who are hereby authorized to sell and dispose thereof, and having entered the produce thereof in the book of receipts and payments of their said Assay Office, to pay and apply such produce for and towards the expenses of such Assay Office.

9.
Diets to be tried annually.

Provided always, and be it Enacted, That if on the said trial the said Diets or any of them shall be found inferior in fineness to the alleged standards thereof respectively, the Assayer belonging to the said Incorporation or Company whose Diets shall be so tried shall forfeit and pay the sum of *One hundred Pounds*, to be levied, recovered and applied in manner hereinafter mentioned.

10.
Penalty on Assayer if Diets found inferior to standards.

And be it further Enacted, That every Warden and Assayer to be hereafter appointed by the said Incorporation of Goldsmiths of Edinburgh, or Glasgow Goldsmiths' Company, shall before entering upon their respective offices take an oath de fideli administratione, which oaths the Deacon or Clerk of the said Incorporation or Company respectively is hereby required and empowered to administer to the said Wardens and Assayers respectively.

11.
Wardens and Assayers to take Oaths before entry upon office.

And be it further Enacted, That the Assayers, Wardens or other Officers of the said Incorporation and Company respectively shall not discover, by description in words or otherwise, to any person or persons whatsoever any pattern, design or invention of any piece of Gold or Silver Plate brought or to be brought to their respective

12.
Assayers and Wardens not to discover Patterns of Plate, and Assayers to keep proper Books.

Assay Offices to be assayed as aforesaid, or permit the same to be viewed or seen by any person whatsoever, except by the persons necessarily employed or to be employed in their said Assay Offices, and such Assayers respectively shall keep a book or books wherein shall be entered the names of every Owner of Plate brought to be assayed, and the several species and standards of Plate assayed, and an account of the money received for the assaying thereof, and likewise an account of the monies arising from the drawings and scrapings of Plate, and the times when the same shall be sold in manner hereinbefore directed, and also an account of the salaries and wages of the Officers and Servants, and of the other incidental expenses attending the carrying of this Act into execution, and every Member of such Incorporation and Company respectively shall have free access to and inspection of such books ; and if any such Warden, Assayer or other Officer shall, contrary to the true intent and meaning of this Act, discover any pattern or invention as aforesaid, such Warden, Assayer or other Officer shall for every such offence forfeit and pay a sum not exceeding *One hundred* Pounds, to be levied, recovered and applied in manner hereinafter mentioned.

13.
Custody of
Dies. Penalty
on Assayer
for marking
Plate not duly
assayed.

And be it further Enacted, That the Dies, Punches or marking instruments of the said Incorporation and Company shall be respectively locked up in a box, whereof the key shall be kept by the Assayer of the said Incorporation or Company, to be used by him for the purpose of marking Plate which shall have been assayed and ascertained to be of the proper standard ; and if such Assayer shall mark or cause to be marked with any mark or impression of the said Incorporation or Company any Plate that has not been duly assayed and found of the proper standard, such Assayer shall for every such offence forfeit and pay a sum not exceeding *One hundred* Pounds, to be levied, recovered and applied in manner hereinafter mentioned, and shall also be deprived of his office, and be for ever afterwards incapable of exercising the office of Assayer.

14.
Incorporation
and Company
may make
Bye-laws for
the regulation
of their Assay
Offices.

And be it further Enacted, That it shall and may be lawful to and for the said Incorporation and Company, and each of them, or the major part of such Incorporation or Company, and they are hereby empowered from time to time to make bye-laws, rules, and orders for the well government and management of their respective Assay Offices, and for fixing the salaries and emoluments of their Officers employed therein, and for prescribing the time and manner for receiving and returning Plate brought to be assayed, and for every other purpose relative to the conduct and management of their respective Assay Offices.

Provided

41

15.
Overplus of
Rates to be
applied in pro-
secution of
Offenders.
Rates may be
reduced or
raised.

Provided also, and be it Enacted, That in case the said sums or rates hereby allowed to the said Incorporation and Company respectively for the assaying and marking of Plate shall in the whole be more than sufficient to defray the expenses of such

5 Assay Offices respectively, the overplus shall be applied by such Incorporation or Company to which such Assay Office shall belong in the prosecution of suspected offenders against this Act, and if such overplus shall be more than shall be required for that purpose, such Incorporation or Company shall respectively reduce their rates

10 or sums hereby authorized to be levied as aforesaid, or such of them as they in their discretion shall think proper to be reduced, to such rates or sums as will answer the purposes before mentioned without bringing any profit to such Incorporation or Company: Provided always, That if such reduced rates shall at any time be found insuf-

15 ficient for the purposes before mentioned, the same may be raised again as much as shall be necessary for such purposes, such rates however never exceeding the rates hereinbefore authorized to be levied, and the said Assayers of the said Incorporation and Com-

20 pany respectively are hereby authorized and empowered to levy and take such reduced or raised rates or sums in manner hereinbefore provided with respect to rates or sums which may be originally imposed.

16.
Exception as
to certain
Gold Wares.

Provided always, and be it Enacted, That nothing herein con-

25 tained shall extend to render it necessary that any of the following Wares of Gold should be stamped or marked with any of the marks hereby required; (that is to say) rings, collets for rings, or other jewels, chains, necklace beads, lockets, hollow or raised buttons, sleeve buttons, thimbles, coral sockets and bells, ferrils, pipe-lighters, cranes for bottles, very small book clasps, stock or garter clasps

30 jointed, very small nutmeg graters, rims of snuff-boxes whereof the tops and bottoms are made of shell or stone, sliding pencils, toothpick cases, tweezer cases, pencil cases, needle cases, any filigree work, any sorts of tippings or swages on stone or ivory cases, any mounts, screws or stoppers to stone or glass bottles or phials, any

35 small or light ornaments put to amber or other eggs of urns, any wrought seals, or seals with cornelian or other stones set therein, or any gold vessel, plate or manufacture so richly engraved, carved or chased, or set with jewels or other stones, as not to admit of an Assay to be taken thereof, or a mark to be struck thereon, without

40 damaging, prejudicing or defacing the same, or such other things as, by reason of the smallness or thinness thereof, are not capable of receiving the marks hereby required or any of them, and not weighing *Ten Pennyweights* of Gold each.

17.
Exception as
to certain
Silver Wares.

And be it further Enacted, That nothing in this Act contained shall extend to render it necessary that any of the following wares of Silver should be stamped or marked with any of the marks hereby required; (that is to say) chains, necklace beads, locketts, any filigree work, shirt buckles or brooches, stamped medals, or spouts to china stone or earthenware tea-pots, or any of them, of any weight whatsoever, or tippings, swages or mounts, or any of them, not weighing *Ten Pennyweights* of Silver each, or any necks or collars for castors, cruets or glasses appertaining to any sort of stand or frame, or any ware of Silver whatsoever, not weighing *Five Pennyweights* of Silver each, or any buttons to be affixed or set on any wearing apparel, solid sleeve buttons and solid studs, not having a bisseled edge soldered on, wrought seals, blank seals, bottle tickets, shoe clasps, patch boxes, buckles, or any pieces to garnish cabinets of knife cases or tea chests, or bridles or stands or frames.

18.
Penalty for
selling or ex-
porting Plate
not duly
marked.

And be it further Enacted, That if any Goldsmith, Silversmith or Worker or Dealer in Plate or other person shall knowingly sell, exchange or keep or expose for sale, or export or attempt to export out of Scotland any Gold or Silver Plate or Ware (except as herein is excepted) made or wrought after the said day of which shall not respectively be marked with the proper marks hereinbefore required to be stamped on the kind and standard quality of which such respective Plate or Ware shall be, every person so offending shall for each piece of Gold or Silver Plate so sold, exchanged, or kept or exposed for sale, or exported or attempted to be exported as aforesaid, forfeit and pay a sum not exceeding *One hundred* Pounds, and shall also forfeit all such Plate and Ware not duly marked as aforesaid which shall be so sold, exchanged or exposed or kept for sale, exported or attempted to be exported, such penalties and forfeitures to be levied, recovered and applied in manner hereinafter mentioned.

19.
Forging or
imitating Dies
or Marks,
stamping with
forged Dies,
&c. and
fraudulently
using the
lawful Dies,
declared
Felony.

And be it further Enacted, That if any person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited any Die, Punch or other marking instrument, or any part of any Die, Punch or marking instrument, used or provided or to be used or provided for striking or impressing any mark or impression by this Act directed to be used, or which in pursuance of this Act hath been or shall or may be used by or under the direction of the said Incorporation or Company respectively, or by any Maker or Worker of Gold or Silver Plate, or by or under the direction of any other person or persons legally authorized in that behalf, for the purpose of stamping or marking Gold or Silver Plate; or if any person shall forge, counterfeit

counterfeit or imitate, or shall cause or procure to be forged, counter-
 feited or imitated upon any Gold or Silver Plate, or upon any ware
 or manufacture of base metal or mixture of metals, the stamp, mark
 or impression, or any part of the stamp, mark or impression of any
 5 such Die, Punch or other marking instrument as aforesaid; or if any
 person shall stamp or mark, or shall cause or procure to be stamped
 or marked, any Gold or Silver Plate, or any ware or manufacture of
 base metal with any such forged or counterfeit Die, Punch or marking
 instrument, or part of a Die, Punch or marking instrument as afore-
 10 said; or if any person shall transpose or remove, or shall cause or pro-
 cure to be transposed or removed from any piece of Gold or Silver Plate
 to any other piece of Plate either of Gold or Silver, or to any ware
 or manufacture of base metal any mark or impression directed to be
 used, or which hath been or shall or may be used as aforesaid; or if
 15 any person shall sell, exchange or expose for sale, or shall export or
 attempt to export out of any part of Scotland, or shall knowingly and
 without lawful excuse (the proof whereof shall lie on the person
 accused) have in his possession any Gold or Silver Plate, or any ware
 or manufacture of base metal, having thereupon the mark or impres-
 20 sion of or from any such forged or counterfeit Die, Punch or marking
 instrument as aforesaid, or having thereupon any such forged or coun-
 feit mark or impression as aforesaid, or any mark or impression which
 shall have been so transposed or removed as aforesaid, knowing the
 same respectively to be forged, counterfeit, transposed or removed;
 25 or if any person shall knowingly and without lawful excuse (the
 proof whereof shall lie on the person accused) have in his possession
 any such forged or counterfeit Die, Punch or marking instrument, or
 part of a Die, Punch or marking instrument as aforesaid; or if any
 person shall cut out of or sever from any piece of Plate of Gold or
 30 Silver any mark or impression, or any part of any mark or impres-
 sion made with any such Die, Punch or marking instrument as afore-
 said, with intent that such mark or impression, or part of a mark or im-
 pression shall or may be placed upon or joined or affixed to any other
 piece of Plate either of Gold or Silver, or to any ware or manufac-
 35 ture of base metal; or if any person shall place upon or join or affix to
 any piece of Plate either of Gold or Silver, or any ware or manu-
 facture of base metal any such mark or impression, or any part of
 any such mark or impression, which hath been or shall have been
 cut out of or severed from any piece of Plate of Gold or Silver; or if
 40 any person shall privately or secretly employ or use, or cause or pro-
 cure to be employed or used any genuine or lawful Die, Punch or
 marking instrument so used or provided, or to be used or provided as
 aforesaid, then and in every such case every such offender, and every
 person counselling, aiding or abetting such offender, shall be guilty
 of *Felony*, and being convicted thereof shall be liable, at the discretion
 of the Court, to be transported beyond the seas for life, or for any

term not less than *Seven Years*, or to be imprisoned for any term not exceeding *Four Years*, nor less than *Two Years*, as the Court shall award.

20.

Upon information on Oath against persons suspected of felonious offences, Justices may grant Search Warrants.

And be it Enacted, That upon information given before any Justice of the Peace upon the oath of *One* or more credible person or persons (which oath such Justice is hereby empowered and required to administer) that there is reasonable or probable cause to suspect any person of being or having been engaged or concerned in making any false or counterfeit Die, Punch or other instrument for the purpose of unlawfully marking any Gold or Silver Plate, or any ware or manufacture of base metal or mixture of metals, or of being or having been engaged or concerned in the unlawful stamping or marking of any such Plate, ware or manufacture as aforesaid, or of being or having been unlawfully possessed of any such false or counterfeit Die, Punch or instrument as aforesaid, or of any such Plate, ware or manufacture as aforesaid, with any counterfeit mark or impression thereon, or of being or having been engaged or concerned in fraudulently or unlawfully, or without due authority, marking or impressing any genuine or lawful Die, Punch or instrument on any such Plate, ware or manufacture, or of being or having been unlawfully possessed of any such genuine or lawful Die, Punch or instrument, or of being or having been engaged or concerned in the commission of any other felonious or fraudulent act or offence with relation to the assaying and marking of Gold or Silver Plate, it shall be lawful for such Justice and he is hereby required, on the application of any Warden or other Officer of the said Incorporation or Company, to grant a Warrant under his hand directed to any Constable, Peace Officer, or other person or persons named in such Warrant, authorizing or empowering him or them, with such other person or persons as he or they shall call to his or their assistance, to enter and search any house, room, shop, warehouse, out-house, building or other place belonging to such suspected person, or where such person shall be suspected of being or having been engaged or concerned in the commission of any such offence as aforesaid, or where any such Die, Punch or instrument, or Plate, ware or manufacture as aforesaid shall be, or shall be suspected to be, and there to search for, seize and take away all such Dies, Punches or instruments, and all such Plate, wares and manufactures as aforesaid, in order that the same may be given in evidence against any such offender; and all Plate, wares and manufactures which shall be lawfully seized as forfeited under any of the provisions of this Act by any Officer of the said Incorporation or Company, or which shall be lawfully seized under any such Warrant as aforesaid, granted on the application of any such Officer, shall be forfeited to the Incorporation or Company to which such Officer shall belong, and shall be disposed of as such Incorporation or Company shall think fit.

Plate, Wares and Manufactures forfeited, how to be disposed of.

And

And be it Enacted, That if any Goldsmith, Silversmith, or Worker or Dealer in wrought Gold or Silver Plate, or any Worker or Dealer in any other metal, shall stamp or cause to be stamped any letter or letters upon any article or thing made of metal plated or covered with Gold or Silver, or of any metal or mixture of metals made or intended to resemble Gold or Silver, every such person or persons shall for every such offence forfeit and pay a sum not exceeding *One hundred Pounds*, to be levied, recovered and applied in manner hereinafter mentioned.

21.
Penalty on striking Letters on base metal.

And be it further Enacted, That all penalties and forfeitures imposed by this Act shall be recovered by any person or persons who shall sue for the same, before any *Two* Justices of the Peace having jurisdiction within the county, city, borough or place in which the offence shall have been committed; or where the alleged offender shall reside, or before the Sheriff of any such county; and it shall be lawful for such Justices or Sheriff to proceed in a summary way, and to grant Warrant for bringing the parties complained of immediately before them or him, and on proof by the confession of the offender, or on the oath of one or more credible witness or witnesses or other legal evidence, forthwith to determine and give judgment in such complaint, and if on conviction the penalties hereby imposed be not immediately paid, the said Justices or Sheriff are hereby empowered to grant Warrant for the recovery thereof, and of the expenses decreed for, by pointing and sale, according to the law of Scotland; and in case such penalties shall not be forthwith paid upon conviction, and if by the confession of the offender, or the report of a Sheriff's Officer or Constable, it shall appear that no sufficient goods or effects can be found within any place in the said county known to such Officer or Constable, then it shall be lawful for such Justices or Sheriff, by a Warrant under their or his hand, to cause such offender or offenders to be committed to the common Gaol or House of Correction for the said county where the matter of complaint may arise, or for the nearest burgh in such county, there to remain without bail for such time as such Justices or Sheriff shall direct, not exceeding calendar Months, unless such penalties and all reasonable charges attending the recovery thereof shall be sooner paid and satisfied; and the penalties so paid or recovered shall belong, *One-half* thereof to the person or persons suing for the same, and the other *half* thereof to His Majesty, His heirs and successors: Provided always, That if any person or persons shall think himself, herself or themselves aggrieved by any judgment of any such Justices, such person or persons may, upon finding caution to implement such judgment and to pay such costs as may be ordered in case the same shall be affirmed, appeal from the judgment of the said Justices to the Justices of the Peace at the next General Quarter Sessions for the county which shall happen not sooner than *Ten Days* after such judgment shall have been given, and

22.
Penalties how to be recovered and applied.

the judgment of such Sheriff and of such Justices in Quarter Sessions shall be final, and shall not be subject to review by advocacy, suspension, reduction or otherwise.

23.

Members of
the Incorporation or Com-
pany to be
competent
witnesses in
prosecutions.

And be it further Enacted, That in all prosecutions or other proceedings under this Act, or any Act or Acts of Parliament touching 5
the assaying or marking of wrought or manufactured Plate or ware of
Gold or Silver, or any fraud in the manufacture thereof, or touching
any duty or duties granted or to be granted to His Majesty upon such
Plate or ware, or touching any license or licenses required to be taken 10
out by Dealers in such Plate or ware, any and every Member and
Freeman of the said Incorporation or Company shall at all times in
or before any Court or Magistrate be considered and received as
a competent and credible witness to be examined and give evidence
upon oath touching any felony, fraud or other unlawful act with 15
which any person or persons shall or may be charged or accused,
notwithstanding any interest which such Member or Freeman may
have or may be considered to have in the funds of the said Incorporation or Company, or as such Member or Freeman in the result of
such prosecution or other proceeding.

24.

Act not to
affect Act for
establishing
Assay Office
in Glasgow, or
Acts for
granting
duties on Plate
or on Dealers'
Licenses.

And be it Enacted, That nothing herein contained shall affect or 20
alter or be construed to affect or alter the provisions of an Act passed
in the fifty-ninth year of his late Majesty King GEORGE the Third,
intituled, " An Act for establishing an Assay Office in the City of
Glasgow," but such Act shall continue in full force and effect, except 25
so far as the same is expressly altered or varied by this Act, and that
nothing herein contained shall in any manner supersede or annul any
of the enactments, clauses, powers, offences or penalties created by any
Act or Acts now in force, whereby any duty or duties are or have
been granted to His Majesty on wrought or manufactured Plate, or
on any license or licenses which are or may be required to be taken 30
out by Dealers in such Plate.

25.

Act to be a
Public Act.

And be it Enacted, That this Act shall be deemed and taken to be
a Public Act; and shall be judicially taken notice of as such by all
Judges, Justices and others.

Gold and Silver Plate.

A

B I L L

To fix the Standard Qualities of Gold and Silver Plate in Scotland, and to provide for the Assaying and Marking thereof.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Mr. Poulett Thomson.)

Ordered, by The House of Commons, to be Printed,
4 July 1836.



(Ireland.)

A

B I L L

For consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS the Laws heretofore made and in force in Ireland for the purpose of regulating the fiscal powers of Grand Juries have become obscure and complicated from their multiplicity, and their provisions have been found in many respects insufficient, and it is expedient, with a view to secure the better execution of Public Works, and facilitate the transaction of local business, that the said Laws should be consolidated and amended, and that a uniform system of raising Money by Presentment of Grand Juries should be established in all Counties in Ireland, whether Counties at large, Counties of Cities, or Counties of Towns; *Be it therefore Enacted*, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *commencement of this Act*, it shall not be lawful for any Grand Jury of any County, County of a City, or County of a Town, at any Assizes or Presenting Term, to make any Presentment (save and except in the cases hereinafter specially reserved and excepted) for the execution of any Public Work whatsoever, or for raising any Money, unless under the Authority and by virtue of the Provisions of this Act.

Preamble.

1.
All Presentments to be made under this Act.

2.
Explanation
of Terms.

And be it Enacted, That in the construction of this Act the word "Lord Lieutenant of Ireland" shall extend to and include any Lords Justices or other Chief Governor or Governors of Ireland for the time being; and every half barony shall be considered and deemed a barony; and wherever the word "County" shall occur, the same shall be deemed and taken to include and import any county at large, or county of a city, or county of a town and city, or city or town and county; and wherever the word "Assizes" shall occur in this Act, it shall be deemed and taken to include and import "Presenting Term;" and whenever in this Act any authority is given to, or any duty is directed to be performed by, any Judge of Assize, such authority shall be understood as given to, and such duty as directed to be performed by, the Justices of the King's Bench in Dublin in any Presenting Term; and every word importing the singular number shall extend and be applied to several persons, animals or things as well as to one person, animal or thing; and every word importing the masculine gender shall extend and be applied to a female as well as to a male, unless the contrary thereof shall be expressed, or that any such construction as aforesaid shall be inconsistent with or repugnant to the context.

3.
Certain
Justices to
hold Present-
ment Sessions
for the pur-
poses of this
Act.

And be it Enacted, That from and after the *commencement of this Act* it shall and may be lawful to and for every Justice of the Peace in and for any county in Ireland, who shall be seised of a freehold estate in fee-simple or in fee-tail or for life of the annual value of *Three hundred* Pounds at the least, situate in such county, or who shall be heir apparent to any person so seised, or who shall be seised or possessed of a leasehold estate or estates for life, or for a term of years, whereof not less than *Fourteen Years* shall be unexpired, which separately or together shall amount to the clear yearly value of *Five hundred* Pounds at the least, situate in such county, or who shall be a Magistrate of any city and liberties, county of a city, county of a town or city and county, or who shall be an Agent for any estate or estates in any county, of the annual value of *Six thousand* Pounds, whether such Agent shall or shall not be seised or possessed in his own right of any estate, provided that such Agent be a Magistrate of such county, and really and bonâ fide residing therein, to attend, and all such Justices are hereby required to assemble from time to time, and with the Cess Payers associated with them, as hereinafter appointed, to hold a Special or Presentment Sessions for the purposes of this Act, in such place and places, and at such time and times, within any and every such county or place for which they shall be such Justices, as the Grand Jury of the same shall have appointed pursuant to the provisions hereinafter following.

And

And be it Enacted, That it shall be lawful for the several Grand Juries in every county in Ireland, and they are hereby required at each Assizes to appoint by Presentment certain places within their respective counties (viz., one in each barony or half barony) where, and certain times when, Presentment Sessions shall be successively holden previous to the next Assizes for such counties respectively for the purposes of this Act, as hereinafter set forth; and such Presentment shall appoint the hours of the day between which such Sessions shall be respectively holden; and such Presentment shall appoint the last meeting of such Sessions to be holden at the County Court House; and it shall also be lawful for the Grand Jury at every such Assizes to direct by Presentment what number of copies of the Schedules of applications to be made at each such Sessions shall be printed and distributed by the Secretary of the Grand Jury.

4.
Grand Jury to fix times and places for Presentment Sessions.

And be it Enacted, That the Grand Jury for each county of a city or county of a town shall appoint one such Presentment Sessions to be holden in the same for the purposes aforesaid; and all applications for works, the expenses whereof are to be levied off such county of a city or town, shall be made thereat.

5.
Only one such Sessions in Cities and Towns.

AND for the purpose of enabling the Grand Jury to prepare such List of Cess Payers as hereinafter mentioned, BE it further Enacted, That every High Constable or other collector of money levied by Grand Jury Presentment, shall, on the day when the Grand Jury shall be first impannelled at each Assizes, deliver to the Secretary of the Grand Jury a Return of the names and places of residence of the One hundred persons, if so many there be, and if not, then of the whole number of persons resident or in actual occupation of lands and tenements in each county of a town, county of a city, or barony, who, not being Justices of the Peace qualified to attend at such Sessions as aforesaid, shall have been charged with and shall have paid the highest sum or sums for Grand Jury Rates or Cess for and in respect of any lands in such county of a town, county of a city, or barony, under the last previous applotment, and that the Secretary shall immediately lay such Return before the Grand Jury.

6.
Collectors to make Returns of Cess Payers for Grand Jury.

And be it Enacted, That every such Grand Jury as aforesaid shall at each Assizes fix and determine the number of persons, not being more than *Twenty*, nor less than *Ten*, proper, with reference to the extent and circumstances of each county of a city, county of a town, or barony, to be associated with the Justices at the Presentment Sessions to be holden therein for the purposes of this Act, and shall, from the Return aforesaid, make out a List of *double* the number so determined upon, of persons, with their additions and abode, who, being males of full age, resident or in actual occupation of lands or tenements within such county

7.
Grand Jury to fix number of associated Cess Payers.

of a city, county of a town, or barony respectively, shall, according to the Return aforesaid, have paid the highest sum or sums for Grand Jury Rates under the last previous applotment in each such county of a city, county of a town, or barony respectively; and the Secretary of the Grand Jury shall deliver or cause to be delivered to each of the persons included in such List a copy thereof, and shall also deliver a copy thereof to the Justices assembled at each Presentment Sessions to be held under the provisions of this Act. 5

8.

Justices to choose a Chairman and select by lot the number of Cess Payers to be associated with them.

And be it Enacted, That at every meeting of such Presentment Sessions the *majority* of the Justices qualified under this Act then present shall choose one of their number to preside thereat, and that when only *Two* Justices shall be present, the senior of them shall preside, and that when only *One* Justice shall be present, such Justice shall preside; and such Chairman shall have a casting voice in case of an equality of voices, but shall not vote except in case of such equality; and immediately after the appointment of such Chairman, and before entering upon any other business, the name of every person included in the List of Cess Payers made out by the Grand Jury in manner before appointed for each county of a city, county of a town, or barony, in which such Sessions shall be held, written upon separate pieces of parchment or card as nearly as may be of equal size, with his respective additions and abode, shall be put into a box, to be, as well as the said pieces of card or parchment, for that purpose provided by the Secretary of the Grand Jury, and the Chairman appointed to preside at each such Sessions shall in open Court draw out, one after another, such number of the said cards or pieces of parchment as the said Grand Jury may have fixed and determined to be the proper number of Cess Payers to be associated with the said Justice or Justices at each such Sessions respectively; and if any of the men whose names shall be so drawn shall not appear, then such and so many more of such cards or pieces shall be drawn as may be necessary, until the number of Cess Payers appointed as aforesaid to be associated with the said Justice or Justices shall be completed, or until the whole of such names shall be drawn; and such number of the said Cess Payers so first drawn and appearing, or such lesser number of them as shall appear when drawn, shall be associated with the said Justice or Justices, and have and exercise jointly with such Justice or Justices all power and authority in the business of such Sessions: Provided always, That in the case of any county at large, the Cess Payers associated in manner aforesaid with the Justice or Justices at the Presentment Sessions holden in the County Court House shall, save and excepting the Cess Payer first drawn and appearing as hereinafter mentioned, have no voice, power or authority in respect of any applications the expense whereof it may be proposed to levy off the county at large, but only in respect of those applications the expense whereof it may be proposed to levy off the barony or half barony, 10 15 20 25 30 35 40

(5)

barony, or portion thereof, wherein such Court House may be situate:
 And provided also, That in the case of any county at large, the Cess
 Payer first drawn and appearing at the Presentment Sessions holden
 in the County Court House, and the Cess Payer first drawn and ap-
 5 appearing at each of the baronial Presentment Sessions to be holden
 in and for each barony or half barony in such county, shall be associated
 with the Justices at the Presentment Sessions holden in the County
 Court House, and have and exercise jointly with such Justices all such
 power and authority as by this Act conferred upon the Justices and
 10 Cess Payers at such Sessions in respect of so much of the business of
 such Sessions as shall relate to the county at large: Provided always,
 That if none of the Cess Payers named in the List hereinbefore directed
 to be made out by the Grand Jury shall attend any Presentment Ses-
 sions to be held under this Act, it shall be lawful for such Justice or
 15 Justices alone to do all matters and things authorized by this Act to
 be done thereat by the Justices and Cess Payers associated in the
 business thereof: And provided further, That if *Three* or more such
 Cess Payers shall attend at such Sessions, and no Justice shall be there
 present, such Cess Payers shall choose one of their number to preside
 20 as Chairman, who shall himself be deemed to be a Cess Payer, drawn
 and entitled to act at such Sessions, and who shall draw out in manner
 hereinbefore mentioned the names and residences of the number of
 Cess Payers appointed to act at such Sessions, and shall with them,
 and in the absence of any Justice, have full power and authority to
 25 do at such Sessions all such matters and things as it is by this Act
 provided shall or may be done at Presentment Sessions by the Justices
 and Cess Payers associated in the business of such Sessions, any thing
 in this Act contained to the contrary notwithstanding.

And be it Enacted, That every Justice qualified as aforesaid shall,
 30 previously to acting at any Presentment Sessions, make and subscribe
 in open Court the Declaration marked (A.) in the Schedule (Z.) to
 this Act annexed; and that every Cess Payer associated with such
 Justice or Justices in manner aforesaid shall, previously to acting at
 any such Sessions, make and subscribe in open Court the Declaration
 35 marked (B.) in the Schedule (Z.) to this Act annexed; which said
 Declarations any one of such Justices, or the Secretary of the Grand
 Jury, is hereby authorized and required to administer; and the Chair-
 man at each such Sessions shall and is hereby required to make out
 and deliver to the Secretary of the Grand Jury of the same county a
 40 List of the names of all the Justices and Cess Payers who shall have
 made and subscribed such Declarations respectively at the Sessions
 where he had presided; and every such Secretary shall from time to
 time, without unreasonable delay, deliver the said List, and all the
 Declarations so made and subscribed, to the acting Clerk of the
 Peace, to be by him preserved among the Records of the same
 county.

9.
 Declarations
 of Justices
 and Cess
 Payers.

10.
Places for
posting
Notices.

And be it Enacted, That all Notices required by this Act shall be promulgated by Advertisements affixed on or immediately adjacent to the doors of every Police Station or Barrack, Church, Chapel, and Roman Catholic, Presbyterian and Dissenters' House of Public Worship, and at the usual places of posting notices within each and every parish: Provided always, That if the total number of churches, chapels, and other houses of worship aforesaid shall in any parish exceed *Eight*, it shall not be necessary to post more than *Ten* such notices; but in no case shall the notices on the door of the Police Station or Barrack, and at the usual place of posting notices, be dispensed with.

11.
Times for
posting
Notices.

And be it Enacted, That a notice in writing of every application for any public work intended to be made at any Presentment Sessions as aforesaid shall be posted by or on behalf of the person or persons intending to make such application at the places aforesaid, within such parish wherein the work to which such application shall relate is proposed to be executed, between the hours of *Eight* of the clock in the forenoon and *Four* of the clock in the afternoon on the *Saturday* next but one previous to the first day appointed for holding such Sessions: Provided always, That when any application shall be made by any County Surveyor for any public work in the manner hereinafter mentioned, it shall not be necessary for such County Surveyor to post any notice of such application.

12.
Applications
for Works
where to be
made.

And be it Enacted, That all applications for works, the expense whereof it may be by such applications proposed to levy off the county at large, or off the barony in which the County Court House may be situate, shall be made at the Presentment Sessions to be holden thereat; and all applications for works, the expense whereof it may be proposed as aforesaid to levy off any other barony, shall be made at such Presentment Sessions as shall be holden in and for such barony: Provided always, That all applications for the works hereinafter mentioned shall, any thing hereinbefore contained to the contrary notwithstanding, be made at the Presentment Sessions holden for the barony in which the works included in such applications may be locally situate, (that is to say) all applications for lowering any hill or filling up any hollow, or both, on any public road, and for making the road thereon with stones and gravel, or for building, rebuilding, repairing, altering or enlarging any bridge, pipe, arch or gullet, built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe or gullet, or for building or repairing any wall or part of a wall necessary to the support of, or to prevent any steep banks of earth from falling upon any such road, or in erecting any fence, railing or wall for the protection of travellers from dangerous precipices or holes lying on the side of any public road.

And

And be it Enacted, That the applications for any works which it is proposed to charge upon *Two* or more baronies of any county, but not upon the county at large, shall and may be made at the Presentment Sessions holden for the barony off which it is proposed that the larger
5 portion of the expense of such work is to be raised, without making the same at the Presentment Sessions for each of such baronies.

13.
Applications for works to be charged upon *Two* or more Baronies.

And be it Enacted, That every application to be made at Presentment Sessions shall be lodged with some High Constable of the county in which such application is to be made *Fifteen* Days, or with the
10 Secretary of the Grand Jury *Ten* Days, at least before the day appointed for holding of the first Presentment Sessions in such county after any Assizes or Presenting Term; and it shall be the duty of every High Constable with whom any such applications shall be lodged, and he is hereby required to transmit such applications to the
15 Secretary of the Grand Jury *Ten* Days before the day appointed for holding such first Sessions; and such Secretary is hereby required to keep an office open for the purpose of receiving such applications during *Ten* Days immediately preceding the last day upon which such applications are required to be lodged with the Secretary, and
20 the said applications shall be open to public inspection without fee or reward; and such Secretary shall, on the receipt of each application, indorse or cause to be indorsed thereupon the time when the same is lodged, and number and arrange all such applications as the works therein comprised may be proposed to be defrayed by the county at
25 large, or by any barony thereof, and shall make an abstract thereof and an index thereto, referring to the numbers which he shall mark on each application; and such Secretary shall produce and deliver all the applications which shall have been lodged with him or delivered at his office as aforesaid, at the Sessions proper as hereinbefore provided for the consideration of the same, together with the abstract thereof and the index thereto.
30

14.
Applications to be lodged with High Constable or Secretary of Grand Jury.

Secretary to arrange and number them.

And be it Enacted, That the County Surveyor shall examine all the applications so lodged with the Secretary of the Grand Jury as aforesaid; and in case no application shall have been made for the
35 necessary surface repairs of any public road or footpath, or the keeping open of any drain adjoining any public road or any other public work, which to the said County Surveyor shall appear necessary, he shall make application for the same in the manner hereinafter appointed, at the next Presentment Sessions to be holden for the
40 county or barony, by which the expense of such work ought to be defrayed, and it shall not be necessary for the said Surveyor to lodge any application made by him with the Secretary of the Grand Jury, but such application being delivered to the Chairman at such Sessions, shall be dealt with thereat in all respects in the same manner

15.
County Surveyor to apply in certain cases.

as the other applications which shall have been lodged with the Secretary of the Grand Jury.

16.

Manner in
which Ap-
plications are
to be made.

And be it Enacted, That every application to Presentment Sessions for any Presentment other than for a public work, shall be made by or on behalf of the person or persons requiring such Presentment; and every application to any such Sessions for any public work shall be made by *Two* persons paying Grand Jury Cess, or by the County Surveyor; and every application to Presentment Sessions, whether for a public work or any other purpose whatsoever, shall set out the title of the Act authorizing such Presentment, with the year of The King's reign, chapter and section, as printed by His Majesty's Printer, and shall specify whether the Money proposed to be raised thereunder is to be levied off the county at large, or some or what barony or other denomination of land thereof, and shall be made in some one of the forms marked (A.), (B.), (C.), (D.), and so forth, in the Schedule (X.) to this Act annexed, when any of such forms shall be found fitting and suitable; and every such application shall be signed by the person or persons by whom the same shall respectively be made with his or their own proper hands; and it shall not be lawful, save as hereinafter provided, for the Secretary of the Grand Jury to receive any application which shall not have been made in manner and form herein appointed.

17.

Applications
to be decided
upon at
Sessions.

And be it Enacted, That at each Presentment Sessions to be holden as hereinbefore provided, the Justices and Cess Payers associated in the business of such Sessions shall take into consideration all such applications as may be laid before them in manner aforesaid, and examine into the posting or serving of the notices of all such applications when a notice shall be necessary, and into the merits of such applications, and the conformity thereof with the provisions of this Act; and the said Justices and Cess Payers shall, after such examination, decide by *majority* of voices upon every such application, and whether the same ought to be adopted or rejected, and whether wholly or in part, and what modification thereof, if any, may be proper; and if such Justices and Cess Payers shall approve of any proposed work, either wholly or in part, or of any modification thereof, they shall, save in the case of applications hereinafter otherwise provided for, direct the County Surveyor to prepare a proper form of tender for the execution of the same, together with such specifications, maps, plans, sections or elevations as may be necessary, expressing the nature and extent of such works, and the materials proper to be employed in performing and executing the same, and the term within which such work ought to be completed, and such other particulars as the said Justices and Cess Payers shall think fit; and such Chairman shall indorse all applications accordingly which shall be adopted and approved,

Surveyor to
prepare Spe-
cifications and
Forms of
Tender.

proved, and sign his name thereto, and deliver all such applications so indorsed to the Secretary of the Grand Jury; and such County Surveyor shall deliver such form of tender, specifications, maps, plans, sections or elevations in respect of the work to which each application shall relate, as soon thereafter as the same can be conveniently prepared to the Secretary of the Grand Jury; and the said Justices and Cess Payers shall appoint the manner in which notice for the receipt of tenders and proposals for the execution of such works shall be given, and the period during which they shall be received, and shall adjourn such Sessions until some day previous to the next Assizes to be then holden for the opening of such sealed tenders and proposals, such day not being later than *Thirty Days* from the day of such adjournment.

Adjourned
Sessions for
opening
Tenders and
Proposals.

AND in order to lessen the expense of keeping public roads in repair, and to obviate the necessity of making frequent applications to Presentment Sessions therefor; BE it further Enacted, That whenever any application shall be made in the manner hereinbefore provided for gravelling or repairing with small stones any public road, or for keeping open the drains on the side of any public road, or for gravelling or repairing any footpath on the sides of any such road, or for repairing the battlements of any bridges upon any such road, the Justices and Cess Payers associated in the business of such Sessions shall consider whether it may not be proper to contract for keeping such road or footpath in repair, and if they shall be of that opinion, they shall fix and determine the period, being not more than *Seven Years*, for which it is expedient that a contract should be made for that purpose, and the County Surveyor shall insert such period in his specification and form of tender for such works.

18.
Form of
Tender for
Works of
Maintenance.

Provided always, and be it Enacted, That in case any person who shall have signed any application in pursuance of this Act shall die or be prevented by sickness or any unavoidable necessity from appearing at such Sessions, it shall be lawful for the Justice or Justices and Cess Payers thereat to examine any other person or persons who shall have knowledge of the matter, and to decide upon such application, any thing herein contained to the contrary notwithstanding.

19.
Provision in
case of death
or illness of
applicant.

And be it Enacted, That the Secretary of the Grand Jury shall, upon being furnished by the County Surveyor with the specification or form of tender for the execution of any such work as aforesaid, and the maps, plans, sections and elevations belonging thereto, notify by public advertisement or otherwise, in such manner as the Justices and Cess Payers at such Presentment Sessions shall have directed, his readiness to receive sealed tenders and proposals for the execution of such work during such period as such Sessions shall have been appointed.

20.
Advertisement
for
Tenders and
Proposals.

Amount of
security in
Tenders, &c.

pointed by the same authority for the reception of the same, and the time to which such Sessions has adjourned for the opening of such tenders and proposals, and that forms thereof may be obtained at his office; and such Secretary shall accordingly prepare a sufficient number of forms of such tenders and proposals, and furnish to any person who shall demand the same a copy thereof, receiving therefor the reasonable cost of preparing the same, not exceeding the sum of *One Shilling*; and each of such sealed tenders and proposals shall contain a statement of the lowest sum for which the party making such proposal is willing to contract for the performance of the work or works specified and described in such notification, and shall be subscribed with the name, description and residence of the party so desirous to enter into such contract, and also the names, descriptions and residences of some *Two* other sufficient persons willing to be bound jointly and severally with him for the due and faithful performance of the said contract, within the time and in the manner thereby prescribed, in a penal sum *double* the amount of the said sum mentioned in such tenders and proposals if the said sum shall not exceed *One thousand Pounds*; but if such sum shall exceed *One thousand Pounds*, then in a penal sum exceeding the sum mentioned in such tenders and proposals by *One thousand Pounds* in addition thereto; and all maps, plans, sections and specifications relating to any such work prepared by the County Surveyor shall be open to public inspection in the office of such Secretary without fee or reward.

21.
At Adjourned
Sessions
Tenders to be
opened and
Contract
entered into
with person
making
lowest
Proposal.

And be it Enacted, That at the meeting of each such adjourned Presentment Sessions as aforesaid, the Secretary of the Grand Jury shall in open Court produce, duly numbered and arranged and with the seals unbroken, all the tenders and proposals which may have been delivered to him, and shall open consecutively all those relating to the same public work, and so soon as the lowest proposal made for the performance of each such work shall be ascertained, the party making such proposal and his sureties shall be called; and if the said party and his sureties shall appear, and shall satisfy such Sessions upon oath or otherwise of the sufficiency and ability of each and every of them to answer and make good the penalty hereinbefore specified for the non-performance of such contract, and that such proposal has not been made for any unfair or fraudulent purpose, and shall thereupon enter into security for the due performance of such contract conditioned in such penalty as aforesaid, such proposal shall be accepted, and the party making the same shall be declared entitled to execute the work to which such proposal may refer, if the same shall be presented by the Grand Jury; but if the party making such proposal and his sureties shall not appear when called, or shall fail to satisfy the Justices and Cess Payers at such Sessions in any of the particulars aforesaid, or shall decline to enter into such security

security as aforesaid, then and in such case the proposal of the party making default as aforesaid shall be deemed null and void to all intents and purposes whatsoever, and the next lowest proposal shall be ascertained and dealt with in the same manner, and so on until the said security shall be entered into and the contract duly completed: Provided always, That if no proposal shall be made in respect of any work within the time limited for receiving the same, the application for such work shall be void and of no effect whatsoever: And provided further, That if the Grand Jury of the county at and for the Assizes then next holden shall not make any Presentment on the application in respect of which any contract shall have been made according to the provisions hereinafter mentioned, then and in such case such contract shall be null and void to all intents and purposes, any thing herein contained to the contrary notwithstanding.

If no Proposal made, Application to be void.

If no Presentment made, Contract to be void.

And be it Enacted, That such security so to be entered into by Contractors under this Act and their sureties shall be a recognizance to His Majesty, His heirs and successors, and of like force, validity and effect as other recognizances made to The King's Majesty; and at such adjourned Presentment Sessions any Justices present, or the Chairman, is hereby authorized to take such recognizance, and the Secretary of the Grand Jury shall prepare the same and come provided therewith, so as to prevent delay; and the expense of preparing the same, not exceeding *Two Shillings and Sixpence*, shall be defrayed by the party or parties entering thereinto; and such recognizance shall be preserved in custody of such Secretary until the condition of such recognizance shall have been fulfilled, and shall then be delivered up to the Conusee or Conusees therein named, or to any person by him or them duly authorized to be cancelled.

22.
Security by recognizance to The King.

And be it Enacted, That so soon as may be possible after the Presentment Sessions shall have been holden at all the places and times appointed therefor in each county, the Secretary of the Grand Jury shall prepare and make Schedules of the contents of all applications (save and except the applications to be certified as hereinafter provided), approved of wholly or in part, and which may have been delivered to him for such purpose by the Chairman at each Sessions, including in one Schedule all such applications for works proposed to be charged and raised on the county at large, county of a city, or county of a town, and in other separate Schedules (videlicet, *One* for each barony), all such applications for works proposed to be levied upon each barony, arranging all such applications in alphabetical order, and noting on the face of each Schedule the particulars of the decision of the Presentment Sessions on each application; and such Secretary shall forthwith cause copies of such Schedules to be printed and distributed in such manner as shall have been authorized and

23.
Schedules of Applications to be prepared by Secretary of Grand Jury, and printed.

directed by Grand Jury Presentment at the Assizes immediately preceding; and the said Secretary shall deliver a copy of such Schedules to each High Sheriff of the county for the time being, and to each County Surveyor, and shall on the day when the Grand Jury shall be next impannelled, as hereinafter directed, deliver *One* copy of the said printed Schedules, together with the several applications, and annexed thereto any specifications, maps, plans, sections or elevations of the works to which such applications shall relate, which shall have been prepared by the County Surveyor, and any contract which shall have been made for the performance of such works, to the Foreman of such Grand Jury, and shall also deliver another copy of the said Schedules to the Judge of Assize upon his arrival; and the said Secretary shall keep another copy of the said Schedule in his office, for the inspection of the public, during *Three* complete Days at least immediately before the day when such Grand Jury shall be first impannelled as hereinafter provided.

24.
Treasurer to
applot the
sum required,
and return
the Applot-
ment to the
Grand Jury.

And be it Enacted, That so soon as the Secretary of the Grand Jury of each county shall have made such Schedules, and totted up the amount of the sums required by the several applications, with reference to the contracts relating thereto, to be raised at such Assizes on the county at large, the Treasurer of such county shall apportion the same according to the usual mode of assessment on the respective baronies or half baronies; which apportionment, together with a copy of the Presentments made at the preceding Assizes, he shall return to the Foreman of the Grand Jury at the time when they shall be first impannelled as hereinafter provided.

25.
Approved
Applications
for new
Works where
the sum
exceeds 20*l.*
to be certified
by Grand
Jury.

Provided always, and be it Enacted, That if any such application made at Presentment Sessions as aforesaid shall be for making any new road, or building any bridge, or erecting, enlarging, repairing, rebuilding or finishing any house or other building, the probable expense whereof shall exceed the sum of *Twenty* Pounds, and if the Justices and Cess Payers at such Sessions as aforesaid shall approve of such application, either wholly or in part, or of any modification thereof, they shall direct the County Surveyor to prepare such specifications, maps, plans, sections or elevations as may be necessary, expressing the nature and extent of such works, and the materials proper to be employed in performing and executing the same; and the Chairman of such Sessions shall indorse such application accordingly and sign his name thereto, and deliver such application so indorsed to the Secretary of the Grand Jury; and such Secretary shall lay each and every such application before the Grand Jury to be impannelled at the Assizes held next after such application shall have been approved at such Sessions, to be certified by the Foreman thereof, who shall certify the same accordingly; but it shall not be lawful for the Grand Jury at such first Assizes held after the Presentment Sessions whereat

whereat such applications hereinbefore described shall have been approved to make any Presentment thereupon.

And be it Enacted, That at the first meeting of Presentment Sessions to be holden next after the Assizes at which such application
 5 for any of the purposes last mentioned shall have been so certified as aforesaid for the same barony or for the county at large at which such application shall have been made, the County Surveyor shall lay the specifications, maps, plans, sections or elevations prepared as aforesaid in respect of the same before such Sessions for their consideration;
 10 and such Sessions shall and they are hereby authorized and required to examine such specifications, maps, plans, sections or elevations, and such other specifications, maps, plans, sections or elevations as may be submitted to them, and shall decide by a majority of voices whether the same ought to be adopted or rejected, or what modification of
 15 such specifications, maps, plans, sections or elevations may be proper in respect of each such application, and shall, if need be, direct the County Surveyor to alter or modify the same accordingly, and to prepare a proper form of tender for the execution of such works, expressing the nature and extent of such works, and the materials proper to
 20 be employed in performing and executing the same, and the term within which such work shall be completed, and such other particulars as the said Sessions shall think fit to prescribe, and shall deliver the specifications, maps, plans, sections or elevations which shall be so approved to the Secretary of the Grand Jury, and shall appoint the
 25 manner in which notice for the receipt of sealed tenders and proposals for the execution of such work shall be given, and the period during which they shall be received; and such sealed tenders and proposals shall be opened at the first adjournment of such Sessions to be made for opening sealed tenders and proposals; and thereupon such
 30 applications, and such tenders and proposals relating thereto, shall be included in the Schedule of Applications to be prepared and laid before the Grand Jury at the then next succeeding Assizes, and shall be subject to such and the like regulations in all respects as other applications and other tenders and proposals are subject to under the
 35 provisions of this Act.

And be it Enacted, That every Sheriff immediately on receiving the precept appointing the day for opening the Commission at the next Assizes in his bailiwick, or in the county or the county of the city of Dublin before each Presenting Term, shall inspect the Schedules to
 40 be delivered to him as aforesaid, and confer thereon with the County Surveyor or Surveyors, and thereupon having regard to the quantity of business which it shall appear likely that the Grand Jury may be called upon to transact, shall fix and appoint, for impannelling the Grand Jury under the provisions of this Act hereinafter set forth, such

26.

Sessions holden next after the Assizes at which such Application shall have been certified to proceed with same like other Applications.

27.

High Sheriff to impanel Grand Jury not more than Five nor less than One Day before each Assizes.

day previous to the day for opening the Commission of Assize or the first day of each Presenting Term, as in his discretion may seem fit, such previous day not being more than *Five* clear Days and not less than *One* clear Day before the day appointed for opening the said Commission, or the first day of such Presenting Term; and such Sheriff is hereby authorized and required, in manner heretofore practised according to law for summoning persons to serve on Grand Juries in Ireland, to summon and return a sufficient number of persons, qualified according to law to serve as Grand Jurors in Ireland, to attend at the usual place of holding Assizes, or in the county or county of the city of Dublin, at such places as shall be hereinafter appointed, upon the day by such Sheriff so fixed; and the persons so to be summoned are hereby required to come and appear agreeably to the exigency of said summons, under like penalties and subject to like forfeiture of issues as persons heretofore summoned to appear and serve on Grand Juries at any Assizes or Presenting Terms throughout Ireland, and to serve, under and subject to the like penalties and liabilities, until discharged from such attendance in due course of law; and on the day appointed for such attendance such Sheriff shall attend with his Sub-Sheriff and Assistants, and shall, or in the necessary absence of the Sheriff, the Under-Sheriff shall proceed to impanel the said Grand Jury in all respects, so far as may be possible, and with like solemnities as heretofore practised according to the law for the impanelling of Grand Juries at the several Assizes in Ireland; and the Clerk of the Crown shall attend at the time and place aforesaid, and shall in such manner and form as hath heretofore been used in the swearing of Grand Jurors, administer to each of the Grand Jurors to be impanelled as aforesaid the Oath marked (C.) in the Schedule (Z.) to this Act annexed.

28.
This Oath
not to bind
Grand Jury to
secrecy.

And it is hereby Declared and Enacted, That it shall and may be lawful for any Grand Juror impanelled in Ireland to disclose any matter or thing relative to the making or refusing any Presentment for or concerning public works or monies, or the expenditure of any money raised thereby; and that the oath taken by Grand Jurors in Ireland, so far as it regards any obligation of secrecy, shall not be construed or held to extend or relate to any of the functions of Grand Jurors in or concerning such Presentments of public works or monies, or any fiscal concerns whatsoever, nor any office or function of a Grand Juror other than the functions of such Grand Juror in matters of a criminal nature.

29.
One Free-
holder or
Leaseholder
from each
Barony to be
placed upon
the Grand
Jury Panel.

And be it further Enacted, That from and after the commencement of this Act the Sheriff of each county shall and he is hereby required, in framing the panel of persons summoned to serve on the Grand Jury of such county at each Assizes, to observe the rule hereinafter following;

following; (that is to say) he shall place first on such panel for each barony or half barony in such county (if there shall be *Ten* or more baronies or half baronies therein), the name of some person having in such barony or half barony freehold lands of the yearly value of *Fifty*
5 Pounds and upwards, or leasehold lands of the yearly value of *One hundred* Pounds over and above the amount of rent payable out of or for such leasehold lands, and having a place of residence therein; and in case there shall not be *Ten* baronies or half baronies in such county, the said Sheriff shall in like manner place upon such panel for each barony
10 and half barony in such county the names of *Two* freeholders or leaseholders having lands of the tenure and yearly value hereinbefore specified, and having a place of residence therein, so that, as far as can be, *One* or *Two* fit and competent person or persons having lands of the value aforesaid, and resident in each barony, if the same
15 can be found therein respectively, shall be placed upon such panel, and having in such manner selected such *One* or *Two* fit and proper person or persons for each barony and half barony, or so many as he can so select, the Sheriff shall complete the said panel in such manner as now by law authorized and directed; and the persons
20 taken from the panel so framed shall be and constitute the Grand Jury or Inquest of such county; any thing in any writ, precept or venire facias expressed or directed, or any law, statute, usage or custom to the contrary notwithstanding, and as if such Grand Jury were altogether composed of freeholders: Provided always, however, That any
25 Presentment or Indictment formed or made by any Grand Jury in Ireland shall not be liable to be traversed, quashed, or in any manner impeached by reason of the Grand Jury not being selected as aforesaid, but any Sheriff who shall wilfully omit or neglect to follow the rules hereby made for the selection of the Grand Jury, shall be liable,
30 on a complaint made to the Judge of Assize, to be fined for breach of the provisions of this Act, such sum as he shall think proper, in addition to any other penalty or punishment to which he may by law be liable.

Provided always, and be it Enacted, That it shall not be lawful for any stipendiary Magistrate, or the Treasurer of the county, or the
35 Secretary of the Grand Jury, Surveyor or High Constable, or Collector of any barony or half barony, or Clerk of the Crown, or Clerk of the Peace of any county, to serve upon the Grand Jury at any Assizes, or to act as Justice or associated Cess Payer at any Presentment Sessions to be holden under the provisions of this Act for the
40 county wherein he shall hold such office.

30.
Certain County Officers not to serve on Grand Juries at Presentment Sessions.

And be it Enacted, That the said Grand Jury so impannelled as aforesaid shall be and be deemed to all intents and purposes to be and shall constitute the Grand Inquest of the same county at and for the Assizes then to be holden, and shall, save as hereinafter otherwise provided, perform and discharge, and be bound to perform and dis-

31.
Grand Jury so impannelled to be the Grand Inquest of the County.

charge, all the duties, offices and functions which any such Grand Jury might have performed and discharged, or would have been bound to perform and discharge if the same were impannelled before the Judge of Assize in manner heretofore practised according to law, and subject to the like forfeitures, penalties and liabilities, and shall possess and exercise all and every the powers, privileges and authorities which Grand Juries impannelled before the Judge of Assize in manner hitherto accustomed have possessed and exercised, or ought to possess or exercise under and by virtue of the laws in force in Ireland, save as may be by this Act otherwise provided; and such Grand Jury shall not depart, save in case of adjournment as hereinafter mentioned, until discharged by the Judge of Assize or the Judges of the Court of King's Bench in due course of law; and the Assizes of each county shall, for the purposes of this Act, but only as respects matters connected with Presentments for raising or accounting for or paying money, or relating to public works, be deemed to commence from the impannelling of such Grand Jury as aforesaid.

32.
Grand Jury
not to enter
on criminal
business until
Commission
opened.

And be it Enacted, That the Grand Jury impannelled as aforesaid shall not be competent to receive any Bill of Indictment, or to present any nuisance or offence, or to enter upon any criminal business whatsoever, or to perform any functions appertaining to Grand Jurors other than those relating to Presentments for raising money or accounting therefor, or public works, or the general fiscal concerns of the county, until the Judge of Assize shall open the Commission, or until the first day of each Presenting Term; and the whole of such fiscal business shall be concluded by such Grand Jury at or before the opening of such Commission, or the first day of such Presenting Term; and all the Presentments for raising money, or any how respecting public works, shall be delivered to the Clerk of the Crown at or before such time, save as hereinafter provided; and after opening such Commission with the accustomed formalities, the Judge of Assize, or the Justices of the King's Bench on the first day of such term, shall at the usual time direct the Grand Jury to attend in Court, and cause to be administered, in manner and form heretofore practised according to law, to each of the persons composing the same, such oath as has been or ought to have been heretofore administered to such persons by such Judge or Justices; and the said Grand Jury shall then and thereupon be and become to all intents and purposes fully competent to the exercise of all functions of Grand Jurors whatsoever, save the making any Presentment for raising money, or respecting public works or auditing accounts, or such other business of a fiscal nature as has been hereinbefore directed to be concluded before opening the Commission, or the first day of such term, as aforesaid.

33.
Except in
case of special
Application

Provided always, and be it Enacted, That it shall and may be lawful for such Judge or Justices of the King's Bench, upon a special application

cation to be to him or them for that purpose made by the Grand Jury
 or otherwise, and upon cause shown for granting the same, to order
 and direct that the Grand Jury shall and may transact, after and not-
 withstanding the Commission shall have been opened, or the Present-
 5 ing Term shall have commenced, any such matter relating to Present-
 ments for raising or accounting for money or public works, or the
 fiscal concerns of the county, as may be stated in such application; and
 by force of such order such Grand Jury shall be and become com-
 petent to transact the same, any thing hereinbefore contained to the
 10 contrary notwithstanding: And provided further, That it shall and may
 be lawful for any Grand Jury at each and every Assizes to present, at
 any time before they are discharged, such sum or sums of money as
 shall be ordered by the Court to be paid to witnesses for their ex-
 penses, as by this Act hereinafter directed.

made to Judge
 of Assize
 upon cause
 shown.

15 And be it Enacted, That each Grand Jury shall, for the whole
 period during which they shall sit, be called over each morning at
 sitting by the Foreman of such Jury, and at all other times when the
 number of Grand Jurors present shall be less than by law required
 for the performance of the functions of a Grand Jury; and any Grand
 20 Juror who shall make default in his attendance at any of such times
 shall for every such default incur a penalty of *Forty* Shillings, and
 such default shall be reported by the Foreman to the Judge of Assize;
 and unless the same shall be excused on the ground of illness, or
 other good and substantial reason, to the satisfaction of such Judge,
 25 such fine and penalty shall be by the said Judge confirmed and
 declared absolute, and recovered and applied in the same manner
 as fines and penalties imposed on Jurors for any defaults or misbe-
 haviour may now by law be recovered and applied; and if the Fore-
 man shall fail to call over the Jury at the times hereinbefore appointed,
 30 or to report the absence of any Juror upon such call, he shall incur
 a penalty of *Ten* Pounds for each such default, to be in like
 manner recovered and applied; provided that nothing herein con-
 tained shall limit or affect the authority of any Judge to enforce the
 attendance of any Grand Juror as such Judge may now enforce such
 35 attendance.

34.
 Grand Jury
 to be called
 over at stated
 times by
 Foreman.

And be it Enacted, That the Grand Jury shall, upon being impan-
 nelled and sworn before the Sheriff as aforesaid, forthwith proceed to
 transact in the open County Court all such business relating to Pre-
 sentments for raising money, public works, contracts, and the fiscal
 40 concerns of the county, as may be appointed for them, and to con-
 sider and decide upon all applications which shall be made for Present-
 ments, as hereinbefore provided, in the order in which the same shall
 be entered in the Schedules thereof, to be prepared as aforesaid,
 beginning with the applications for works to be defrayed by the

35.
 Grand Jury
 so soon as
 impannelled
 to proceed
 with fiscal
 business, and
 to make
 or refuse
 Presentments
 on all appli-
 cations
 approved by
 Presentment
 Sessions.

county at large, and examining all maps, plans, estimates and specifications relating to each application; and the said Grand Jury shall be attended by their Secretary, and by the County Surveyor or Surveyors, and shall hear and receive and direct to be read aloud in open Court the several reports and certificates of such Surveyor or Surveyors, and shall have power and authority at their discretion to receive and obtain all legal and pertinent evidence which shall be tendered to them for or against the making any Presentment, or in anywise relating thereto, or concerning any public work, or the execution of the same, if made wholly or in part at the expense of the county or any portion of the county, or any contract of or in respect of, any of the matters aforesaid; and the said Grand Jury shall sit *de die in diem* until all the business which may come before them of the nature hereby directed to be despatched before the opening the Commission, or the commencement of the Presenting Term, shall be concluded, or until the day appointed for opening the Commission, or the first day of such term shall arrive; and if the whole of such business shall be concluded before such day, then the said Grand Jury may adjourn to such day; and every such Grand Juror who shall not attend pursuant to such adjournment shall be fined by the Judge of Assize for such non-attendance in any sum not exceeding the sum of *Fifty* Pounds, at the discretion of the said Judge.

36.
Grand Jury
not to make
any Present-
ment unless
application
has been
made and
approved at
Presentment
Sessions.

And be it Enacted, That from and after the *commencement of this Act* it shall not be lawful for any Grand Jury, any law, usage or custom to the contrary notwithstanding, to make a Presentment for any public work whatsoever, or for raising any money for which an application shall not have been made and approved at Sessions, either wholly or in part, as hereinbefore provided, save and except such Presentments as may be hereinafter specially excepted; and also save and except such Presentments as may be necessary for the immediate repairs of sudden breaches or damages in roads, bridges, gulleys, walls or buildings, which have happened so recently as not to admit of the proper application having been made in manner before provided, which fact, together with the necessity for the immediate execution of such repairs, shall be proved before the Grand Jury upon oath; and in such case, although such application as aforesaid shall not have been lodged or approved as aforesaid, such Grand Jury shall nevertheless have power and authority to present for such repairs any sum of money in such case necessary to be paid to the County Surveyor, to be by him expended, or so much thereof as may be necessary, upon such repairs, and accounted for at the next Assizes by such Surveyor upon oath; and the Treasurer of the county shall, out of any monies in his hands available to the general purposes of the county, advance to such Surveyor from time to time the monies, not exceeding the sum presented for such repairs, which may be required therefor; and such monies so advanced shall be replaced

replaced by the monies raised and levied under the Presentment which the Grand Jury have been hereinbefore authorized to make for such purpose.

And be it Enacted, That the Lord Lieutenant of Ireland shall from time to time appoint a Board of *Three* Civil or Military Engineers to act, without salary or emolument, in Dublin, who shall from time to time examine into and certify the qualifications of all persons desirous to act as Surveyors under this Act; and such Lord Lieutenant shall appoint from time to time, out of the persons so certified, *One* or more Surveyor or Surveyors to act, at the salary or salaries hereinafter provided, for each county; and it shall be lawful for the said Lord Lieutenant from time to time, at his pleasure, to remove such Surveyors from county to county: Provided always, That it shall not be lawful for any person to act as Surveyor for more than *One* county.

37.
Appointment
of County
Surveyors.

And be it Enacted, That all Surveyors already appointed under the law now in force, or who may hereafter be appointed under this Act for any county, may be at any time suspended or dismissed at the pleasure of the Lord Lieutenant of Ireland, or by the respective Grand Juries of such counties; and in such case, and on every other vacancy, however occasioned, the said Lord Lieutenant of Ireland shall forthwith appoint a successor from and out of the persons who shall be from time to time certified to be qualified as aforesaid; provided that in case of indisposition or other unavoidable cause, proved on oath to the satisfaction of the Grand Jury or any *Three* Justices of the Peace, such Surveyor may depute another person, duly certified as hereinbefore mentioned, to act for him, and such deputy shall be removable in like manner as his principal.

38.
Surveyors
liable to be
dismissed.

May appoint
Deputies in
case of illness.

And be it Enacted, That the salary of each Surveyor now appointed or hereafter to be appointed as aforesaid shall not exceed per annum, and such salary shall, except as hereinafter provided, be inclusive of all charges and expenses which each such Surveyor shall incur, or to which he shall be liable in performance of the several duties to him prescribed under the provisions of this Act; and each Grand Jury is hereby authorized and required to fix the amount of such salary for its own proper county, not exceeding the sum hereinbefore mentioned, and at each Assizes to present a *moiety* of the salary or salaries of each Surveyor or Surveyors for such county for the half year last past, and payment of the same shall be made accordingly: Provided nevertheless, That in case the Grand Jury at any Assizes shall be of opinion that any Surveyor has been guilty of neglect of his duty or other misconduct, such Grand Jury shall have authority to direct the salary of the Surveyor so neglecting his duty or misconducting himself to be withheld, and shall report such neglect

39.
Salaries of
County
Surveyors.

or misconduct to the said Lord Lieutenant of Ireland; and if the said Surveyor shall be, upon such report or at any time, in any other manner or for any other reason, dismissed from his office, he shall forfeit, at the discretion of the Lord Lieutenant, the whole or any part of the arrears of salary due to him; and the same shall be applicable to the general purposes of the county, in like manner as other monies from time to time levied off such county and arising in the hands of the Treasurer. 5

40.
Duties of
County
Surveyors.

And be it Enacted, That the Surveyor or Surveyors to be appointed as aforesaid shall attend at each Presentment Sessions to be held for the reception of applications for Presentments, and shall afford such professional advice and assistance in the consideration thereof as may be required of him, and shall prepare forms of tenders and proposals, specifications, maps, plans, sections or elevations of any work approved thereat, and shall also attend upon the Grand Jury, and make to them a full and particular report on all applications for Presentments lodged with the Secretary as aforesaid, and the necessity or utility of the same, and on the correctness of the maps, plans, specifications and estimates prepared as aforesaid, and how far it may be expedient to alter, vary or modify the objects stated in such applications; and the said Surveyor or Surveyors, or one of them, shall also report on all applications on part of contractors, and on the progress and execution of all public works formerly presented, and on the performance of all contracts, and on the state, repairs, progress and condition of all buildings, roads, bridges, gulleys, walls or other work; and the said Surveyor or Surveyors, or one of them, as the Grand Jury shall direct, shall audit all accounts of such works, and ascertain and certify the correctness thereof, and whether each contractor is entitled to payment, and how far and whether such contractor has conformed to the provisions of this Act and the Laws in force in Ireland, and shall also report the name and description of all persons by him prosecuted for any nuisance or injury to any road, or any other offence of like nature, and the result of such prosecution, and the proceedings therein, and generally on all matters and things relating to the office of Surveyor, or which may be given to him in charge by the Grand Jury. 10 15 20 25 30

41.
Surveyors
shall keep an
Office open,
and appoint a
Clerk.

And be it Enacted, That each such Surveyor shall keep an office open for his regular attendance on business in such place as the Grand Jury shall appoint, and which they are hereby required and empowered to appoint; and each such Surveyor shall employ one fit and competent person to be a Clerk in his said office, who shall give regular attendance in the said office, and for whose conduct such Surveyor shall be at all times responsible; and such Grand Jury is hereby authorized and required to present, over and above the salary payable to such Surveyor, a sum not exceeding *Fifty* Pounds in each year, to defray the expense of such office, and to pay the salary of such Clerk, a moiety whereof the said 35 40

said Grand Jury is authorized and required to present at each Assizes for the half year last past, and to pay the same to such Surveyor accordingly, subject always to the provisions hereinbefore contained with respect to the payment of the salary of the said Surveyor.

5 And be it Enacted, That no such Surveyor or his Clerk shall be eligible or liable to serve or act on any Jury, nor to fill any other county office whatsoever in any county, nor take or receive any fee or gratuity whatsoever from any contractor or other person engaged in any public work in any county, nor for any matter or thing in anywise
10 appertaining to the duty of such Surveyor, nor be or become in any manner interested in any contract for the performance of any work presented or to be presented to any Grand Jury, on pain of forfeiting his office, with all arrears of salary then due to him; and every such contract in which such Surveyor shall be or become in any manner inter-
15 ested shall be absolutely void, and the Surveyor so interested shall forfeit *Fifty* Pounds, to be recovered, with full costs of suit, by any person who shall sue for the same.

42.
Surveyor not
to fill any
other County
Office, &c.

And be it Enacted, That it shall be lawful for every Grand Jury to appoint a proper person duly qualified according to the laws now in force
20 to act as their Secretary, and every Secretary of the Grand Jury now appointed, or who shall be appointed hereafter under the provisions of this Act, shall continue to act as such until he shall be removed by the Grand Jury, or until another person duly qualified shall be in like man-
25 ner appointed; and if any person appointed Secretary shall happen to die or be unable from illness to do the duty, the Clerk of the Peace, or his known deputy, is hereby required to act as such until the last day of the ensuing Assizes, or (in case of the illness of the Secretary) until such Secretary shall be able to resume his duty; and for the performing
30 all and singular the duties of Secretary, such Clerk of the Peace, or his said deputy, shall be entitled to receive a rateable proportion of the salary of such Secretary for the time during which he shall have per-
formed such duties.

43.
Appointment
of Secretary
of the Grand
Jury.

And be it Enacted, That it shall not be lawful for the same person to be Secretary of any Grand Jury and Clerk of the Peace, or Clerk
35 of the Crown, or Treasurer of any county; and in case the Secretary of any Grand Jury shall at any time refuse or neglect to perform any of the duties imposed upon him by the provisions of this Act, such Secretary, being convicted thereof before the Judge of Assize, shall for such refusal or neglect forfeit any sum not exceeding *Fifty* Pounds, at
40 the discretion of such Judge, and no Presentment shall be made of any salary to him.

44.
Secretary of
Grand Jury
not to be a
Clerk of the
Peace or
Treasurer of
the County.
Penalty.

And be it Enacted, That it shall not, from and after the commence-
ment of this Act, be lawful for any Grand Jury, in making a Present-
276.

45.
Grand Juries
not to name
Persons in
Presentments

by whom
Works are to
be executed.

All Works,
Printing, &c.
to be executed
by Contract.

All Contracts
to be by sealed
tenders and
proposals.

No County
Officer, &c.
eligible to
contract.

46.

Secretary to
keep a Book
containing
Abstracts of
Contracts.

47.

Surveyor to
make Maps of
Roads con-
tracted for.

ment for any public work, to name or appoint therein any person or persons to execute the same, save and except in case of sudden damage or injury under the provision hereinbefore made in that behalf; but all works, save as aforesaid, and save and except in the case of such repairs as may be executed pursuant to the order of *Two* Justices, as hereinafter specially provided for, which shall be presented by any Grand Jury shall be executed and performed by contract; and all printing for which any Grand Jury shall be authorized to make Presentment shall also be executed by contract; and every contract, whether for any work, printing or other purpose whatsoever, shall be made by sealed tenders and proposals, to be delivered, opened and dealt with, and security to be taken in manner as hereinbefore provided; and no contract shall be entered into save upon and after application made and approved at Presentment Sessions, and the functions of every Grand Jury shall, in respect of all applications to be made at any Presentment Sessions, be limited to the approval or rejection of the same as approved or modified by such Sessions, and to the Presentment or annulling thereof accordingly: Provided always, That no Magistrate of the County, County Officer, or any servant, or person in the known employment of any Magistrate of the County or County Officer, shall be eligible to undertake any contract under this Act: And provided further, That nothing herein contained shall extend to restrain or affect any contract made or to be made with any Commissioners acting under authority of Parliament in the loan, advance or grant of Exchequer bills or money. .

And be it Enacted, That the Secretary of each Grand Jury shall provide and keep a book, in which he shall insert an Abstract of all contracts which now are or hereafter may be entered into by such Grand Jury, setting out the names of the several contractors, and the particulars of each contract; and in the case of roads, for the keeping in repair of which contracts may be or shall have been made, setting out the places whence and to which each road contracted for leads, and at what milestone, mearing or noted place each road or part of a road under the charge of such contractor commences and ends, and the number of perches of road included in each contract, and the rate per perch at which each contract has been entered into, and the whole annual sum which each contractor is to be paid, and the period for which each contract is made; and all contracts so entered in such book shall be numbered; and every such book shall have an alphabetical index, referring to the number of each contract.

And be it Enacted, That the County Surveyor or Surveyors shall cause an accurate Map and Section to be made of every road or part thereof for the repairs of which any contract shall be made after the passing of this Act, which Map shall mark the precise spot where such contract commences, and each townland or other denomination of land through

through which such road or the part thereof contracted for passes, and where the same ends; and the line of such contract shall be in a different colour from the rest of the Map, and the houses on the immediate sides of such road, and the bridges, arches or pipes over streams, of water crossing such road, shall be marked thereon; and the Surveyor making such Survey and Map shall sign his name at the foot thereof; and all such Maps shall be lodged with the Secretary to the Grand Jury, and shall be numbered by him with the like number as the contract may be distinguished by in the book of Abstracts hereinbefore directed to be prepared, and shall be preserved by him, and be produced when required by the Presentment Sessions, or by the Grand Jury.

And be it Enacted, That any *Two* Justices of the Peace at Petty Sessions in any county may, under their hands and seals, order any
15 sum not exceeding *Ten* Pounds to be expended in repairing any bridge, or any public road, or any pier or quay on the bank of any navigable lake or river, now or hereafter to be built by Grand Jury Presentment, which may be suddenly damaged, provided it shall appear, upon the view of one or both of them, or that of the County Surveyor, that the
20 repairs of such bridge or road or such pier or quay cannot be delayed until the next Assizes without prejudice to the public; and it shall be lawful for such Justices to appoint a proper person or persons to repair the same; and the Grand Jury of any such county is hereby empowered to present at the next Assizes the sum so expended in
25 repairing any such bridge or road which is liable to be repaired by the county at large, to be levied on such county at large, and any sum so expended in repairing any other road on the barony, or on the county of the city or town wherein the same is situate, and any sum so expended in repairing any such pier or quay to be levied on the county
30 at large; such sum to be paid to the person or persons so appointed by such Justices upon his or their producing such order under the hands and seals of the said Justices, and also a certificate under the hand of the County Surveyor that the sum specified in such order appears to have been faithfully and honestly expended pursuant thereto: Provided always, That no such Order shall be made by any
35 Justices unless the necessity of the same shall be notified to them by the County Surveyor in all cases when the attendance of such Surveyor can be conveniently procured: And provided also, That no Justices of the Peace shall make or sign more than *One* Order for the
40 expenditure of any sum as aforesaid for the reparation of the same sudden damage between the termination of one Assize and the commencement of another.

48.
Justices may
order sums
not exceeding
Ten Pounds
for repairing
sudden
damages of
Roads,
Bridges, &c.

And be it Enacted, That it shall and may be lawful for any Grand Jury to present any part of any public road to be widened to any
276. ————— c 4 ————— breadth

49.
Presentment
for widening,
fencing, re-
pairing, &c.
public Roads.

breadth not more than *Fifty* Feet in the clear, and to present all such sum or sums of money as shall be necessary for widening and fencing the same, or for gravelling, macadamizing, paving, fencing, repairing or otherwise improving any part of any public road, or for filling up grips or trenches on the sides of any public road, and making sufficient fences instead thereof, or for filling dikes or holes on the sides of any public road, or for making, widening or deepening drains on the side of any such road, and carrying off the water therefrom, to be levied off the barony, county of a city or county of a town where the same shall be situate: Provided always, That when such public road shall be any road upon which His Majesty's Mails are or shall be carried in mail carriages, all such sum or sums of money as shall be necessary for any of the purposes aforesaid may be presented to be levied either off the county, or off any barony or baronies in which such road or any part thereof is or shall be situate.

Proviso in
case of Post
Roads.

50.
Presentment
for making
and repairing
Footpaths.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county at any Assizes to present any footpath to be made or repaired along the side of any road for which they may have authority to make Presentment, and to present such sum or sums of money as may be necessary for making or repairing the same, to be levied either off the county, or off the barony or baronies in which such footpath shall be locally situate, according as the expense of making or repairing such road shall be presented to be levied off the county or any barony or baronies thereof.

51.
Presentment
of Roads, &c.
to be repaired
by Contract
for any time
not exceeding
Seven Years.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county to present any public road within such county, or any part of such public road, or any footpath upon the side of such road, to be gravelled or repaired with broken stone, or to present to be gravelled or repaired, or the battlements of any bridge upon such road to be kept in sufficient order and repair by contract for any space of time not exceeding *Seven* Years, and also from time to time to present such sum or sums of money as shall be necessary for the execution of any of the above-mentioned works, and the payment of the person or persons with whom such contract for the execution of the same shall have been made, to be levied or raised off any barony, county of a city or county of a town in which such road may be locally situate, and when it passes through more than one barony, then proportionately on each barony: Provided always, That in the case of any road upon which His Majesty's Mails are or shall be carried in mail carriages, the expenses of such repairs may be levied either off the county, or off any barony or baronies in which such road or any part thereof may be locally situate.

In the case of
Post Roads,
Sums to be
levied off
County or
Barony.

52.
Presentment
for new
Lines of
Road to be

And be it Enacted, That it shall and may be lawful for the Grand Jury at any Assizes to present any new road to be laid out and made of any

73

any width not less than *Sixteen* Feet nor more than *Fifty* Feet in the clear, and to present all such sum and sums of money as shall be necessary for laying out, or for forming, levelling and draining, or for gravelling, paving and making the same, and also for making fences thereto, to be levied on the barony or county of a city or county of a town in which the same shall be situate, and when it passes through more than one barony, then proportionately on each barony, unless such new line of road shall be one upon which it is intended that His Majesty's Mails shall be carried in mail carriages, in which case it shall and may be lawful for the Grand Jury to present all such sums of money as shall be necessary for any of the purposes aforesaid, to be levied either off the county or off any barony or baronies through which such new road shall pass: Provided always, That no Presentment shall be made for laying out any such new road, unless, together with the application therefor, a Map of such intended new road has been lodged with the Secretary of the Grand Jury *Ten* Days at least before the day for holding the first Presentment Sessions after each Assizes in such county, and that a notice, setting forth that an application is intended to be made for a Presentment to lay out such new road (distinguishing the several townlands and baronies through which it is intended to be carried, with the number of perches in length through each townland), has been personally served upon or left at the house of each occupier of the land through which such new road is intended to be made *Ten* Days at least before the day of holding such Sessions, nor unless it shall appear that no part of such new road is to be made through any deer park inclosed with a wall built of lime and stone or bricks, *Five* Feet high or more, without the consent of the owner thereof, and that no part thereof is to be made through any house entirely built with lime and stone or bricks, or through any office belonging to any person inhabiting a house so built, without the consent of such person.

levied on
Barony.

In case of
Post Roads
on County or
Barony.

Map of the
Line to be
lodged with
Secretary
along with
Application.

Service of
Notices upon
Occupiers of
Land.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county to present such sum or sums of money as may be necessary for lowering any hill or filling up any hollow, or both, on any public road, and for making the road thereon with stones and gravel, or for building, rebuilding, repairing, altering or enlarging any bridge, pipe, arch or gullet built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe or gullet, or for building or repairing any wall or part of a wall necessary to the support of, or to prevent any steep banks of earth from falling upon any such road, or for erecting any fence, railing or wall for the protection of travellers from dangerous precipices or holes on the side of any public road, to be raised either off the county or off the barony or baronies in which the same may be locally situate.

53.
Presentment
for lowering
Hills, filling
up Hollows,
building and
repairing
Bridges, &c.
upon public
Roads.

54.
Where a River
or Road is the
Boundary of
Two Counties,
only One-
half the sum
required for
building, &c.
any Bridge
over such
River, or
making, &c.
such Road,
shall be raised
off either.

And be it further Enacted, That where a river or stream, or where any road is the boundary between two counties, so as that one side of such road shall be in one county and the other side in another county, it shall not be lawful for the Grand Jury of either county to present to be raised on either county, or upon any barony of either county, more than *One-half* of the sum required for building, rebuilding, repairing, enlarging or altering any bridge, pipe, arch or gullet over such stream or river, or for repairing, making or widening any such road; and no application for payment on account of any such Presentment shall be allowed unless an equal sum shall have been presented to be raised for the said work on the adjoining county, or some barony thereof.

55.
Line of new
Road may be
surveyed
upon Certifi-
cate of Two
Justices.

And be it Enacted, That it shall and may be lawful for any person or persons to survey and measure any line intended for a new road, for which a Presentment is to be applied for, and for that purpose to enter in and upon any lands or premises through which such intended line may pass, provided that such person or persons shall be thereunto authorized by a certificate in writing under the hand of the County Surveyor, stating that such survey and entry to make the same is proper, and that such certificate shall be allowed by *Two* Justices of the Peace for the county wherein such lands or premises may be situate, such allowance being signified under their hands by indorsement upon such certificate.

56.
Penalty for
using new
Road for cer-
tain time
after making.

And be it Enacted, That it shall and may be lawful for any *Two* Justices of the Peace, upon the application of the County Surveyor, to forbid any person or persons from riding or driving any kind of beast or carriage on any new road for such space of time as shall to them appear necessary, not exceeding *Three* Months after such new road shall have been made; and any person who shall wilfully disobey such order, the same being duly notified by a notice affixed to a board or boards erected upon such road, shall be liable to be fined any sum not exceeding *Twenty* Shillings for each offence, to be imposed by any Justice of the Peace on his own view, or on the evidence of any one competent witness, and levied off the goods and chattels of such offender by warrant under the hand and seal of such Justice.

57.
Presentment
of old Roads
to be stopped
up.

And be it Enacted, That it shall be lawful for the Grand Jury of any county to present any old road in such county which may appear to them to be useless to be stopped up, to every which Presentment it shall be lawful for any person to enter a traverse at the then or the next Assizes; and if such traverse shall not be tried within a year after such Presentment shall be made, the Presentment shall stand good and valid to all intents and purposes.

AND

AND whereas it is expedient that provision should be made for the more speedy and effectual repair of roads in Ireland upon which His Majesty's Mails are carried; BE it therefore Enacted, That it shall be lawful for the Commissioners, acting under and in execution of an Act passed in the first and second years of the reign of His present Majesty, intituled, "An Act for the Extension and Promotion of Public Works in Ireland," upon the application of His Majesty's Postmaster General for the time being, setting forth and describing the line of any such road, or the portion of any such road which may stand in need of repair, by and with the consent of the Lord Lieutenant or other Chief Governor or Governors of Ireland, to cause such road, or such portion thereof as shall be described in such application, and any or every bridge, arch or pipe, gullet or wall thereon, to be put forthwith into good and sufficient repair accordingly under the superintendence of the County Surveyor; and that upon the application of the said Commissioners, setting forth what sum will be requisite and necessary from time to time for the purposes aforesaid, it shall and may be lawful for the Lord Lieutenant of Ireland to direct, by his or their warrant or warrants, that the sum or sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners *out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland*, to be applied under the directions of the said Commissioners in manner aforesaid.

58.
Commissioners of Public Works may, on application of Postmaster General, and with consent of Lord Lieutenant, cause Post Roads to be repaired.

And be it further Enacted, That whenever any such road or bridge, or any portion thereof, not being a turnpike road or bridge, shall be so put in good and sufficient repair, under the direction of the said Commissioners, the Secretary to the said Commissioners shall deliver or cause to be delivered to the Secretary of the Grand Jury of any and every county within which any such road or bridge, or any portion thereof, shall be situate respectively, a certificate of the amount of Money which shall have been so expended upon the repair of any such road or bridge, or any portion thereof, and the other expenses aforesaid, within any and every such county respectively, together with an account of the items of such expenditure, certified by the said County Surveyor or other person employed; and every such certificate and account shall at the next or some succeeding Assizes be laid before the Grand Jury of any and every such county respectively; and thereupon the Grand Jury of any and every such county respectively shall make Presentment of the amount of such expenses as stated in such certificate to be raised off such county at large, barony or half barony, previously chargeable with the maintenance of such road or bridge; and when and so soon as the sum so to be presented as aforesaid shall be raised and received by the Treasurer of any and every such county respectively, he shall pay over the same to such bank or person as the Lords Commissioners of His Majesty's Treasury,

59.
Amount of Money expended in such repairs to be certified to the Grand Jury of the County, who shall present the same.

Expense of
repairing
Bridges be-
tween Coun-
ties to be
borne equally.

or any or more of them shall direct, or to such person or persons and in such manner as may be directed by the Vice-Treasurer of Ireland: Provided always, and be it Enacted, That wherever any bridge which shall be repaired by the said Commissioners as aforesaid shall be situate partly in one county and partly in another, the expense of repairing such bridge shall be borne and defrayed equally by such counties; and the Certificates and Presentments by this Act required shall be framed and made accordingly. 5

60.
Receiver of
Tolls to be
appointed.

And be it further Enacted, That in case any road so repaired or any part thereof shall be a turnpike road, the sum certified to have been expended on the repair thereof as aforesaid shall become and be a charge on the tolls payable on such road, in preference to and prior to any other charge thereon, and shall be repaid to the said Commissioners or any person appointed by them out of such tolls; and every Collector of such tolls shall, until the sum so advanced shall be repaid, pay to the said Commissioners all sums collected by or paid to him for such tolls, and it shall and may be lawful for the said Commissioners to apply in a summary way, by petition, to any Court of Equity in Ireland to appoint a Receiver of such tolls; and such Court shall accordingly appoint such Receiver on its appearing by such certificate or otherwise that any part of the sum advanced for the repair of such road is due, and shall continue such Receiver until by receipt of such tolls or otherwise the sum so due and the full costs of such proceedings shall be repaid, after allowing for the necessary expenditure by the said Commissioners in the meantime in keeping such road in repair. 10 15 20

61.
Presentment
for correct
Map of al-
terations of
County
Roads.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county, once in every *Ten* Years after the general Ordnance survey of such county shall have been completed, to present a sum, not exceeding the rate of *Twenty* Pounds for every *Fifty thousand* Acres, to be levied off the county at large, for obtaining a correct Survey and Map containing all the alterations made in the roads of such county since the then preceding survey. 25 30

62.
Presentment
for construct-
ing, repairing,
&c. Piers and
Quays on
navigable
Lakes or
Rivers,
and making
Approaches,
&c.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county to present, to be levied off such county, any sum or sums of money, not exceeding in the whole the sum of *Three hundred* Pounds sterling, for the erection of any pier or quay, or for the repairing or enlarging of any existing pier or quay on the banks of any navigable river or lake, or for the making or repairing of any road or approach to any such pier or quay, or for deepening or embanking any such river or lake in such county: Provided always, That no sum or sums of money shall be presented for the erection of any pier or quay, or the making any roads or approaches thereunto, until the person or persons making application therefor at the County Presentment Sessions shall have paid into the hands of the County Treasurer 35 40

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Treasurer a sum equal to the *One-third* part of the whole sum at which said work has been contracted for, which payment having been certified to the Grand Jury by the said Treasurer's receipt, such Grand Jury may then present the remaining *Two-thirds* of such whole sum: And
 5 provided also, That the consent in writing, under the hand and seal of the owner or owners in fee, or of the person or persons having a lease of lives renewable for ever, or a term of years not less than *Ninety-nine* to come and unexpired at the time of making such Presentment, of or in the lands on which the said work is to be constructed, shall
 10 have been lodged in the office of the said Treasurer *Six* clear Days before the Assizes at which the application for such Presentment is to be considered.

And be it Enacted, That every pier or quay which has been or may hereafter be built or enlarged by Presentment of any Grand Jury upon
 15 any navigable lake or river, pursuant to the provisions of this or any other Act of Parliament, shall be deemed and become public property.

63.
Pier or Quay
to become
public prop-
erty.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county to present such sum or sums of money to be raised off such county as shall be necessary for building, rebuilding,
 20 enlarging, repairing, altering or fitting up any Court House or Sessions House therein; and whenever any Presentment shall be made for any of such purposes, and the sum necessary to be raised for the same shall be greater than it may be proper to levy off such county at one time, then and in every such case it shall be lawful for such Grand
 25 Jury to present in the first instance the whole sum required for such purpose, and to direct in and by such Presentment that the same shall be raised on such county by such half-yearly sums or instalments and in such proportions as to such Grand Jury may seem expedient, and the same shall be so raised accordingly: Provided always, That it shall
 30 be lawful for any subsequent Grand Jury to present that any of the said instalments shall be increased to any sum that shall be found necessary or proper.

64.
Presentments
for building,
repairing, &c.
Court Houses
and Sessions
Houses.

Expenses
may be raised
by half-yearly
instalments.

And be it Enacted, That in case at any time hereafter the Lord Lieutenant shall direct that a Quarter Sessions of the Peace or any
 35 adjournment thereof shall be holden for the despatch of civil or criminal business in any town or place in which there may not be a Sessions House, the Surveyor of the county shall, on being required by the Lord Lieutenant so to do, prepare such specifications, maps, plans, sections and elevations as may be necessary for the erection
 40 of a Sessions House therein, expressing the nature and probable expense of the works, and the materials proper to be employed, and the same shall be delivered to the Secretary of the Grand Jury, who shall lay the same, together with a copy of the warrant of the Lord Lieutenant, before the Grand Jury at the Assizes

65.
Surveyor to
prepare Spec-
ifications,
expressing
Nature and
Expense of
Works, and
Form of
Tender.

Presentment
of Grand Jury
for Sessions
House to be
built, and
Sum to be
levied off
County for
that purpose.

If no Present-
ment made,
Lord Lieu-
tenant to
direct Com-
missioners of
Public Works
to build Ses-
sions House.

next after the time at which he shall receive the same, and the Grand Jury shall examine such specifications, maps, plans, sections and elevations, and such others as may be laid before them, and either adopt the same or make such alterations therein as they may think proper, or reject the same, and shall present that a proper and sufficient Sessions House shall be provided or built in such town or place within the period of from such Assizes, and that a sum not exceeding Pounds shall be levied off the county for that purpose at one time or by instalments to be completed within the period of Years, and the Surveyor shall thereupon prepare a proper form of tender for the execution of such work, and shall deliver the same to the Secretary of the Grand Jury, who shall lay the same, together with the Presentment and the specifications, maps, plans, sections and elevations as approved of by the Grand Jury, before the next Presentment Sessions holden for the county at large, who shall direct within what period before the day to which such Sessions may be adjourned tenders for the execution of the works shall be received; and any tenders that shall be made for the execution of such works shall be opened at the first adjournment of such Sessions, and dealt with in all respects in like manner as any other tender for a work approved of and presented is: Provided always, That if such Presentment shall not be made, and a valid contract for executing such work shall not be entered into within the period of from the Assizes at which such warrant shall have been laid before the Grand Jury, it shall be lawful for the Lord Lieutenant to direct the Commissioners of Public Works in Ireland to build or provide such Sessions House, and on the production to the Grand Jury at any Assizes of the certificate of the Secretary of such Commissioners that a sum not exceeding the sum of Pounds has been expended in building such Sessions House, and purchasing a site for the same or for either of such purposes, the Grand Jury shall and they are hereby required to present the sum so certified, to be levied off such county in one payment, and to be paid to the Secretary of the said Commissioners in satisfaction of the sum so expended: Provided further, That in case the said Commissioners of Public Works shall find it convenient to take a lease of any premises for the purpose of building such Sessions House thereon, they shall be at liberty to do so, and to engage to pay an annual or other rent for the same not exceeding the sum of Pounds per annum, and the Grand Jury shall and they are hereby required from time to time to present a sum equal to the amount of such rent to be levied off the county and paid in discharge of the same.

66.

Presentment
for purchase
of sites for
Court Houses
and Sessions
Houses.

And be it Enacted, That whenever any Presentment shall be or has been made for the purpose of building a new or enlarging any Court House or Sessions House in and for any county, it shall and may be lawful for the Grand Jury of such county to authorize such Commissioners

Commissioners as such Grand Jury shall appoint to contract and agree with any person or persons, or body or bodies corporate or politic, for the purchase or renting of any houses, buildings, lands, tenements or hereditaments convenient for the site of any new Court House or Sessions House, or adjoining to any old Court or Sessions House, and convenient for the purpose of enlarging the same or the Courts or outlets thereunto belonging; and the lands, tenements or hereditaments so contracted or agreed for shall be demised or conveyed to such Commissioners, and to their heirs, executors, administrators and assigns, in trust for the uses and purposes aforesaid; and such Commissioners shall be appointed, and such demise or conveyance made in such manner and under such and the like rules and regulations as are prescribed in an Act made in the seventh year of his late Majesty's reign, intituled, "An Act for consolidating and amending the Laws relating to Prisons in Ireland," with respect to the appointment of Commissioners and the demising and conveying of any lands, tenements or hereditaments to such Commissioners under that Act: Provided always, That in case such Commissioners shall be unable to agree with the owners of any lands, tenements or hereditaments proper or necessary to be purchased for the purposes of any such Presentment; and if the Grand Jury by which such Presentment shall have been made, or any subsequent Grand Jury, shall direct that the same be purchased by and under the valuation of a Jury, it shall and may be lawful to and for the Commissioners appointed as aforesaid, or any *Three* or more of them, to issue their warrant to the Sheriff in the manner directed by the said Act of the seventh year of his late Majesty's reign, and thereupon such and the like proceedings shall and may be had and taken for summoning, impannelling and swearing Juries and valuing the premises so directed to be purchased and each and every part thereof respectively, and for obtaining the full possession and seisin thereof and a good title thereto in the said Commissioners, and with and subject to all the same rules, regulations, conditions and jurisdictions as concerning any premises to be purchased by such valuation under the aforesaid Act of the seventh year of his late Majesty's reign as in the said Act provided; and the said Commissioners shall in that behalf have, possess and exercise all and every the same and the like powers and authorities as by the said Act are granted to and vested in the Commissioners therein mentioned; and it shall be lawful for any such or any subsequent Grand Jury to present the sum so agreed upon or fixed as the purchase-money of such premises to be levied off such county, either at one time or by half-yearly instalments, in such manner as they may think proper, and such Presentment may be made without any previous application to any Presentment Sessions.

Lands purchased to be conveyed to Commissioners.

When Purchases directed to be made under valuation of a Jury, Commissioners may issue their Warrant to the Sheriff, and the same proceedings shall take place as directed by recited Act.

67.
Presentment
for Rents of
Court and
Sessions
Houses.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county, and they are hereby required to present at each Assizes, without previous application at Presentment Sessions, to be raised upon such county, all such sum or sums of money as shall be necessary for paying such rent or rents of any Court House or Sessions House, or their appurtenances respectively, as now are or shall at any time hereafter be payable for the same. 5

68.
Court House
for County at
large built
within
County of a
City, &c. to
be deemed
part of
County at
large.

And be it Enacted, That whenever any Court House of or for any county at large shall have been built or enlarged pursuant to the provisions of this or any other Act of Parliament, then if such Court House or the additions so then made thereto shall be within a county of a city or county of a town wherein the Assizes or Commissions of Oyer and Terminer and General Gaol Delivery for such county have usually sat or been held, then every such Court House which shall have been so built or enlarged and all additions so thereto made and appurtenances therewith occupied, shall be deemed and taken to be part and parcel of the county at large for which the same shall have been so built or enlarged as aforesaid: Provided always, That whenever such tenement shall cease to be a Court House, whether by reason of the building a new Court House or otherwise, then and from thenceforward such house and the site and the appurtenances thereof shall be and be deemed and taken to be part and parcel of the county of the city or county of the town within which the same shall be so locally situate. 10 15 20

69.
Grand Jury
may sell old
Court Houses.

And be it Enacted, That it shall and may be lawful for the Commissioners appointed as aforesaid by any Grand Jury of any county to sell and dispose or to authorize the sale and disposal of any old Court House or Sessions House belonging to such county in which the Assizes or Sessions for such county have been discontinued or ceased to be held, together with the ground or site on which the same is built according to the title or interest which such county may have in the same, and also to sell and dispose of or to authorize the sale and disposal of all or any part of the materials of which such old Court House or Sessions House may be composed, and the money arising therefrom shall be paid into the hands of the Treasurer of such county to the credit of such county, and applied to defray the purchase-money of any premises required for the erection of any new Court House, or to the erection of such new Court House, and such and the like purposes as any other public money raised off such county and coming to the hands of such Treasurer may be applied. 25 30 35 40

Proceeds to
County
purposes.

70.
Presentment
for Fuel for
Court House.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county at any Assizes, without any previous application to Presentment

Presentment Sessions to present, to be levied off such county, such reasonable sum or sums as they shall think proper for providing fuel or light for each and every or any Court House or Sessions House in or belonging to such county; provided that no sum so presented shall be paid by the Treasurer of such county until the person to whom any such sum so to be presented for fuel shall be payable under such Presentment shall produce to such Treasurer an affidavit, sworn by him before the Foreman of the Grand Jury at the last Assizes for such county, stating that the sum required to be paid hath been duly expended in the purchase of fuel for the use of such Court House or Sessions House pursuant to such Presentment, and that the whole of such fuel hath been consumed in the said Court House or Sessions House and for the use and benefit thereof; or if any part of such fuel shall not have been consumed, stating how much thereof has been consumed, and that the residue then remains in safe keeping, to be applied to the use of the said Court House or Sessions House in like manner.

And be it Enacted, That it shall be lawful for the Grand Jury of any county to present for each of the places wherein Petty Sessions shall be appointed to be held, an annual sum not exceeding *Ten* Pounds, to be raised off such county, for the rent of a room or rooms for the holding of Petty Sessions thereat, provided that such room or rooms shall not be in a house where spirituous or fermented liquors are sold, nor in any police barrack, nor in any other building maintained either wholly or in part at the public expense; and provided that whenever a public Court House shall have been built and provided at any place so appointed, no such Presentment shall be made, but the Petty Sessions shall be holden in such public Court House, and not elsewhere: Provided also, That it shall be proved to the satisfaction of the County Presentment Sessions where application shall be made for such rent, that *Six* meetings of Justices, during the *Six* Months immediately preceding such application, shall have been held in such room or rooms.

71.
Presentment
for Rent of
Petty Ses-
sions room.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county to present, without any previous application at Sessions, to be levied off such county, any sum not exceeding *Four* Pounds at each Assizes, as a salary or payment for the Keeper of any Sessions House belonging to such county, where the General Quarter Sessions of the Peace are held; and any sum not exceeding *Five* Pounds at each Assizes for an Interpreter at such Assizes, if such payment shall be recommended by the Court.

72.
Presentment
for Session
House-keep-
ers and Inter-
preters.

And be it further Enacted, That it shall be lawful for any Grand Jury as aforesaid to present, to be raised on the county at large, any sum

73.
Presentment
for Gallows,
Milestones,
&c.

sum or sums of money for making or repairing a gallows, or for bolts, shackles, whipping-posts or stocks, not exceeding in the whole in any one year the sum of *Twenty* Pounds, and also for erecting or repairing direction-posts, mile-stones, or mile-posts, not exceeding *One* Pound for each direction-post, mile-stone or mile-post.

5

74.
Presentment
for support
of Fever Hos-
pitals and
Dispensaries
established by
subscription.

Account and
Certificate of
Treasurer to
be approved
at Sessions.

Accounts of
Hospital and
Dispensary to
be separate.

And be it Enacted, That where any Fever Hospital or Dispensary for the purpose of furnishing medicine and affording medical and surgical aid to the poor of any city, town or place in any county is now or shall be hereafter established in such county by private subscriptions or donations, and a certificate of the sum or sums of money actually received by the Treasurer of such Fever Hospital or Dispensary, from private subscription or donation, since the last application to Presentment Sessions, or since the establishment of such Fever Hospital or Dispensary, and a statement of the number of persons admitted or relieved, together with an account of the receipt and disbursement of all monies raised by virtue of any Presentment for such Fever Hospital or Dispensary, as well as of all monies actually received from private subscription or donation for the use of such Fever Hospital or Dispensary since the date of such last application or establishment, shall have been laid before the Presentment Sessions ensuing the disbursement thereof, and such certificate and account, verified upon the oath of such Treasurer, shall, together with the application for a Presentment for such Fever Hospital or Dispensary, have been allowed and approved of at such Sessions, it shall be lawful for the Grand Jury of such county at any Assizes, if it shall think fit, to present to be raised off such county, in case of a Fever Hospital, a sum not exceeding *double* the amount, and in the case of a Dispensary, a sum equal to the amount of such private subscriptions or donations so received, to be paid to the Treasurer of such Fever Hospital or Dispensary, and applied (under the direction of the subscribers of any annual sum of not less than *One* Guinea, or such committee of them, not fewer in number than *Five*, as they shall appoint for that purpose at any general meeting of such subscribers), together with the monies received by private subscription and donation, in fitting up and supporting such Fever Hospital or Dispensary, and in providing medicine and medical and surgical aid for the poor of such place and its neighbourhood: Provided always, That when any Fever Hospital shall be attached to any Dispensary, the Treasurer of the same shall separate the accounts of the receipts and expenditure of each such Fever Hospital and Dispensary, and the application for Presentments for each shall be separate and distinct: And provided also, That no such Presentment shall be made unless it shall appear by the certificate of such Treasurer, verified as aforesaid, that the medical attendant resided since the creation of such Dispensary or Hospital, or since the last Assizes (as the case may be), at or within *statute* Miles of such Dispensary or Hospital.

And

And be it further Enacted, That whenever it shall be made appear by statement on oath to the Grand Jury of any county, that there has been actually received from private subscriptions or donations any sum or sums of money for the purpose of erecting any house to be applied to the reception of Fever Patients, and either connected with any local Dispensary or not, as the case may happen, and upon a certificate by *One* or more Physicians, that there is a necessity for providing accommodation for such patients, it shall and may be lawful for such Grand Jury to present, to be raised on such county, any sum not exceeding double the amount of the sum or sums so raised by donation or subscription, and actually received by the Treasurer, to be applied, together with the monies so received by private donation or subscription, in erecting such house for Fever Patients in such manner as the subscribers of any sum not less than *One* Guinea, or such committee of them, not fewer than *Five*, as they shall appoint for that purpose at any general meeting of such subscribers, shall in their discretion deem most advisable: Provided always, That the affidavit and certificate herein mentioned shall, together with the application for such Presentment, have also been laid before the Presentment Sessions and approved thereat.

75.

Presentment for erection of Fever Hospitals not to exceed double the amount of private subscriptions.

And be it Enacted, That where any Fever Hospital has been or shall be established in and for any county, it shall and may be lawful for the Grand Jury of such county to present such sum or sums of money, not exceeding the sum of *Two hundred and fifty* Pounds at each Assizes, as shall appear to be necessary for the support of any such County Fever Hospital, and such sum shall be raised off the county at large, and levied and applied accordingly: Provided always, That an account of the receipt and expenditure of such Fever Hospital, from the time of its establishment to the time of the first Presentment required, and afterwards from the time of each Presentment required till the time when any further Presentment is required, shall, together with an application for the sum so proposed to be presented, be laid before the Presentment Sessions to be holden under this Act, for the purpose of considering applications for Presentments, and that such account and application shall be approved at such Sessions.

76.

Presentment for support of County Fever Hospitals.

Account of Receipt and Expenditure to be laid before Sessions.

And be it Enacted, That it shall be lawful to and for the Grand Jury of any county in which a Fever Hospital shall not have been erected before the *passing of this Act*, or in which it shall be made appear to the satisfaction of the Grand Jury, that any Fever Hospital requires to be enlarged, repaired or rebuilt, to present at any Assizes for such county any sum or sums of money for the purpose of erecting, establishing, hiring, repairing and fitting up *One* Fever Hospital, in any such county in which no such Hospital shall have been previously established, or for the purpose of enlarging, repairing

77.

Presentment for building or repairing County Fever Hospital.

To be raised
by instal-
ments in Six
Years.

Presentment
being certified
to Lord
Lieutenant
he may direct
advance of
Money.

Treasurer to
repay Money
so advanced
to Collector
of Excise.

78.

Presentment
for the main-
tenance of
County
Infirmary.

or rebuilding any Fever Hospital which shall have been previously established, and to set forth in such Presentment that the sum therein mentioned shall be raised and levied within the period of *Six* Years, by half-yearly or yearly instalments; and also to set forth in such Presentment what part thereof shall be raised upon any barony or baronies in any such county, or on the county at large; and that the Treasurer of any such county shall from time to time, without further authority or presentment-in that behalf, insert in his warrant at each Assizes the portion or portions so set forth of the sum so presented, and the same shall be raised and levied in like manner from time to time, and with the like remedy in case of non-payment as all other money directed by such warrant is by law to be levied; and when and so soon as such Presentment shall have been duly certified by the acting Clerk of the Crown to the Lord Lieutenant, or other Chief Governor or Governors of Ireland, or his or their Chief Secretary, it shall and may be lawful to and for such Lord Lieutenant, or other Chief Governor or Governors for the time being, to direct the amount of such sum of money so presented, or any part thereof, to be advanced out of *the growing produce of the Consolidated Fund in Ireland* to the Treasurer of such county, to be applied for the purposes for which such Presentment shall have been made, under such rules and regulations as to such Lord Lieutenant or other Chief Governor or Governors shall seem fitting and expedient; and such Money so advanced and paid by such Treasurer shall be accounted for by him in like manner as any other monies received by him for the use of such county, and all securities given by him or in his behalf shall extend to such Money; and such Treasurer shall from time to time pay to the Collector of Excise for the district in which such county shall be situate, all such sums as shall from time to time be received by him from the baronial or other collectors, by virtue of the Presentment on account of which such Money shall have been advanced, until the whole sum advanced shall be repaid.

And be it Enacted, That it shall be lawful for the Grand Jury of any county at each Assizes to present, to be raised on such county (whether there be or be not any special provision in any Act of Parliament relative thereto) a sum not exceeding *Seven hundred* Pounds, to be paid to the Treasurer of the Infirmery of such county, and applied to the support and maintenance of such Infirmery: Provided always, That, together with an application for such Presentment, a Certificate under the hand of the Physician or Surgeon of such Infirmery, stating the number of patients as well extern as intern, received and relieved since the preceding application, and also a true debtor and creditor account of the funds and expenses thereof, commencing from the time of the preceding application, attested by the signature of the Treasurer of such Infirmery, shall have been laid before the Presentment Sessions,

Sessions, and that such application and account shall have been approved of thereat.

79.
Presentment
of salary of
Surgeon to
County
Infirmmary.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county to present at each Assizes any sum not exceeding
5 *Forty-seven* Pounds, to be raised off such county, and paid to the Surgeon of the Infirmmary thereof: Provided always, That no such Presentment shall be made unless, together with an application therefor, a Certificate signed by the Governors of such Infirmmary or Hospital, or by *Five* of them at the least, shall be laid before the Presentment
10 Sessions, which Certificate shall state that the Surgeon for whom such sum is requested to be presented hath resided at or within

of such Infirmmary, and hath duly and faithfully executed his duty as Surgeon of such Infirmmary or Hospital, and diligently complied with the rules and regulations of the Governors of such Infirmmary since
15 the date of the last application; nor unless a true copy (certified under the hand of the Treasurer of such Infirmmary or Hospital) of the letters testimonial from the College of Surgeons in Ireland, by law required to be obtained by every such Surgeon, shall be laid before such Special Sessions, nor unless such Surgeon shall have given his attendance and
20 professional assistance without any other or further fee or reward, to the prisoners and others in the Gaol of the county to the Infirmmary of which he has been appointed Surgeon, if such Gaol is situate within *Five Miles* of such Infirmmary.

80.
Presentment
for the support
of Houses
of Industry.

And be it Enacted, That it shall be lawful for the Grand Jury of any
25 county, at any Assizes, to present, to be raised on such county, any sum not less than *Four hundred* Pounds and not exceeding *One thousand* Pounds in the year, for the support of any House of Industry in such county established under the provisions of an Act passed in the eleventh and twelfth year of the reign of his late Majesty King GEORGE
30 the Third, intituled, "An Act for badging such Poor as shall be found unable to support themselves by Labour, and otherwise providing for them, and for restraining such as shall be found able to support themselves by Labour or Industry from begging;" which sum when so raised shall be paid to the Corporation of such House of Industry, and applied
35 by the said Corporation towards the support and maintenance of the same accordingly: Provided always, That, together with an application for such Presentment, a debtor and creditor account of the funds and expenses of such House of Industry from the time of the last application shall have been laid before the County Presentment Sessions and approved thereat.
40

81.
Presentment
for support
of Lunatic
Wards in
Houses of
Industry.

And be it Enacted, That where a Lunatic Asylum, or any Ward or Wards for the reception and support of Idiots and Insane Persons, is connected with or under the direction of any House of Industry in any
276. county,

county, it shall and may be lawful for the Grand Jury at any Summer Assizes, to present such sum or sums, not exceeding the sum of *One hundred Pounds*, as shall appear to be necessary for the support of such Asylum or Ward connected with such House of Industry, and such sum shall be raised off the county at large, and levied and applied accordingly. 5

82.

Presentment
to repay
advances by
order of Lord
Lieutenant
to defray
expenses of
a Board of
Health.

And be it Enacted, That whenever the Lord Lieutenant of Ireland shall at any time have ordered any sum or sums of money to be advanced out of the Consolidated Fund, for the payment of the expenses incurred by any Commissioners appointed by such Lord Lieutenant or other Chief Governor or Governors to form a Board of Health in any city, town or district, it shall be lawful for the Grand Jury of any county in which such expense shall be incurred, and they are hereby required to present, without previous application to Presentment Sessions, all sums so advanced to be raised off such county. 10 15

83.

Presentment
for erecting,
&c. District
Lunatic
Asylum.

And be it Enacted, That at any time after any Order in Council shall be made by the Lord Lieutenant of Ireland, by and with the advice of His Majesty's Privy Council in Ireland, under and by virtue of the provisions of an Act passed in the first and second year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences in Ireland," or any Act or Acts amending the same, and after such order shall have been published in the Dublin Gazette, it shall and may be lawful for the Grand Jury of any county within any district appointed under the said recited Act, to present at any Assizes such sum or sums of money to be raised off such county as shall be requisite for defraying the expenses of erecting and establishing an asylum for the lunatic poor for such district, or any proportion thereof, ascertained by any order made by the said Lord Lieutenant and Privy Council. 20 25 30

84.

Presentment
for support of
District Lu-
natic Asylum.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county within any district for which a Lunatic Asylum is now or shall at any time hereafter be built and established under the provisions of the said last-recited Act, to present at each Assizes, to be levied off such county, such sum or sums of money as shall be necessary for the expenses of supporting, supplying and maintaining any such Asylum, or the Officers thereof, or the Patients therein, or any proportion of such expenses ascertained by order of the said Lord Lieutenant and Privy Council. 35 40

85.

Presentment
for repaying
advances
from Con-
solidated
Fund for

And be it Enacted, That whenever the Lord Lieutenant of Ireland, by and with the advice of His Majesty's Privy Council in Ireland, shall, under the provisions of the said last-recited Act, or any Act amending

amending the same, have ordered and directed any sum or sums of money to be advanced, issued and paid out of the growing produce of the Consolidated Fund arising in Ireland, for the purpose of erecting and establishing, opening, carrying on, maintaining or supporting any such Asylum, the Grand Jury of every county within the district in and for which such Asylum shall be erected and established shall and they are hereby required (after any such Asylum shall be fit for the reception of such lunatic poor) to present at each Assizes, without any previous application at Presentment Sessions, such sum or sums of money, to be levied off such county, as shall be necessary for the repayment of any such sum or sums so advanced, or any part thereof, at such times and in such proportions as shall be directed and ascertained by any order or orders to be made by such Lord Lieutenant in Council as aforesaid.

erecting and
supporting
District
Lunatic
Asylum.

15 And be it further Enacted, That in each and every case when the Commissioners appointed for general control and correspondence, and for the superintending and directing the erection, establishment and regulation of District Lunatic Asylums shall have rented or purchased any houses, buildings, lands, tenements or hereditaments, on the site or sites of which it shall be proposed to erect or maintain any such Asylum, it shall be lawful for the Grand Jury of any county, in or for which wholly or in part any such Asylum hath been or shall be established, and such Grand Jury are hereby required at the Assizes next ensuing the day or time when such purchase shall be made, or such rent shall become due, or as soon after as shall be requisite, and so from time to time whenever the case shall happen, to present, without previous application to Presentment Sessions, to be levied off such county, such sum or sums of money as they shall be directed to present by the Lord Lieutenant or other Chief Governor or Governors of Ireland in Council as aforesaid, for the purpose of completing such purchase, or paying such rent or rents.

86.

Presentment
for purchase-
money and
rents of sites
of Lunatic
Asylums.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county in which any Diocesan School or District School, or the site appointed for the same shall be, to be present, to be levied off such county, any sum or sums which they shall think proper for purchasing, providing, building or repairing any such School-house, or a Dwelling-house for the Master thereof, or any of the offices or appurtenances properly belonging to such School-house or Dwelling-house, or for purchasing or procuring a site for the same, not exceeding the quantity of *Two* plantation Acres: Provided always, That whenever any Grand Jury shall make such Presentment for any School-house or Dwelling-house as and for the School-house of the diocese only within which such county shall be situate, or as and for the Dwelling-house of the Schoolmaster of such Diocesan School only, such diocese shall not be or remain united to or with any other diocese, under any of the provisions of an Act passed in the fifty-third year of his late Majesty

87.

Presentment
for building,
&c., Diocesan
Schools and
School-
houses.

King GEORGE the Third, intituled, "An Act for the Appointment of Commissioners for the Regulation of the several Endowed Schools of public and private Foundations in Ireland," but such Diocesan School shall be supported within its proper diocese only, and the money raised in such diocese shall be applied solely and entirely to the use of such Diocesan School, and not to any District School or other School out of such diocese. 5

88.
Presentment
for Coroners.

And be it Enacted, That it shall be lawful for the Grand Jury of any county at each Assizes to present any sum not exceeding in the whole a sum after the rate of for each and every 10
Coroner in such county, according to the Schedule (S.) hereunto annexed, to be levied off such county or any barony therein as such Grand Jury shall think advisable, and such Grand Jury shall apportion the whole of such sum so presented among the several Coroners of such county, according to the number of inquests which may appear 15
to have been respectively held upon the body of any person by each of such Coroners since the date of the last application for a Presentment; and such sums shall be paid by the Treasurer to the Coroners respectively who shall have held such inquests and for whom such sums shall have been presented: Provided always, That no Coroner 20
shall receive more than at the rate of for each inquest so held by him, and that it shall not be lawful for the Grand Jury to present, to be levied off any barony, a larger sum than at the rate of for each inquest held therein.

No Coroner
to receive
more than

for each
Inquest.

89.
Certificate of
Coroner to
be laid before
Sessions.

Provided further, and be it Enacted, That it shall not be lawful for 25
any Grand Jury to make any Presentment for any such remuneration to any such Coroner unless, together with the application for the same at the County Presentment Sessions, there be laid before such Sessions a Certificate of each inquest respectively taken by such Coroner, made and signed by such Coroner in the form following: 30

"I, A. B., a Coroner in the county [county of a city, or county of a town] of do hereby certify, That
on the day of I held an inquest
on the body of C. D., at in this county
[or county of a city, or county of a town], and that the names 35
of the Jurors impanelled on such inquest were as follows :

And that the names of
the witnesses examined before such Jurors were as follows :

And that the verdict of such
Jury was 40
All which I certify. Dated this
day of

A. B.,
Coroner of this county [county of a city, or
county of a town] of "

And

And it shall be lawful for such Sessions, or the Grand Jury, in case they shall so think fit, to examine any such Coroner upon oath as to the truth of any such Certificate.

Coroner may be examined upon Oath.

5 And be it Enacted, That it shall and may be lawful for any Coroner before whom any Physician, Surgeon, Apothecary, Chemist, or other person practising medicine or surgery shall, in obedience to a summons from such Coroner, attend and be examined as a Witness at any Inquest relative to the death of any person, to grant such Witness an order, signed by such Coroner upon the Treasurer of the county

10 wherein such Inquest shall be held, for such sum not exceeding as to such Coroner shall seem fit, which sum shall be paid by such Treasurer according to such order; and the amount of all such payments shall be presented by the Grand Jury to be raised off the county at large, or any barony thereof, in like manner as the

15 sum presented for the Inquest whereat such party may have attended: Provided always, That the Coroner shall certify to the County Presentment Sessions the amount and particulars of all such sums so by him ordered to be paid, and that such payment shall have been approved thereat, but not otherwise.

20 Provided always, and be it Enacted, That it shall not be lawful for any Grand Jury to present any money to be paid to any Coroner who shall appear to them to have been guilty of neglect of duty in not attending to take any Inquest or otherwise, nor in any case to present any money for the remuneration of any Coroner for or in respect of

25 any Inquest other than such as shall have been held since the date of the application for the last Presentment.

90. Presentment for medical Witnesses examined on Inquests.

91. No Presentment for Coroner guilty of neglect of duty.

And be it Enacted, That it shall be lawful for the Grand Jury of each county at each Assizes, and they are hereby required to present, to be levied off such county, or off any barony or half barony (as the

30 case may be), all and every such sum or sums of money as may be chargeable upon and directed to be presented and levied off such county, barony or half barony, by and under the provisions of an Act passed in the third year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the appointment of Constables,

35 and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates in certain cases;" or any Act amending the same, or any Act passed or to be passed in this present Session of Parliament to consolidate the Laws relating to the Constabulary Force in Ireland; and every such Presentment shall be

40 made without any previous application to Presentment Sessions, and in all respects pursuant to the regulations of the said Acts, or such of them as may be applicable to the case; and the money levied under every such Presentment shall be paid over in such manner and to

276. F such

92. Presentment of Money for Constabulary Force.

such bank or person as the Lords Commissioners of His Majesty's Treasury, or any *Three* or more of them shall direct, save and except in the case of the superannuations hereinafter and by the said Acts, or any of them, directed to be paid to the parties entitled to the same.

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93.
Presentment
for Constables
superan-
nuated for
Wounds, &c.

And be it Enacted, That whenever the Lord Lieutenant of Ireland shall, under and by virtue of the provisions of an Act passed in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend an Act of the third year of his present Majesty's reign, for the appointment of Constables in Ireland," have ordered any sum or sums of money to be paid and advanced out of the produce of the Consolidated Fund of Great Britain and Ireland arising in Ireland, as an annual remuneration or superannuation to any Chief Constable, Constable or Sub-Constable, disabled by any maim, wound or hurt, or other grievous injury received by him in the execution or performance of the duty of his office, it shall and may be lawful for the Grand Jury of any county for which, or for any barony whereof such Constable shall have been appointed, and such Grand Jury is hereby required, upon the production of the Certificate of the Chief Secretary of the Lord Lieutenant for the time being, or of the Under Secretary, of the amount of the sum or sums so paid and advanced out of the Consolidated Fund for the superannuation of such Constables, to present (without previous application to Presentment Sessions) *One* Moiety of such sum or sums so paid, advanced and certified as aforesaid, to be levied off such county or barony; and the same when levied shall be paid over in such manner and to such bank or person as the Lords Commissioners of the Treasury, or any *Three* or more of them shall direct.

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94.
Presentment
for Constables
superan-
nuated for
Age or Infir-
mity.

And be it Enacted, That it shall and may be lawful for the Grand Jury of each county, and they are hereby required to present (without previous application to Presentment Sessions) such yearly allowance, superannuation, compensation, gratuity or remuneration as the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being shall order, or at any time have ordered to be paid by such county, or such proportion thereof as he or they shall direct or have directed to be paid to any Magistrate, Inspector, Deputy Inspector, Co-Inspector, Sub-Inspector, Chief Constable, Constable or Sub-Constable, who has been or shall hereafter be superannuated, by virtue of the provisions of any Act or Acts of Parliament now in force, or which may be passed in this present Session of Parliament, authorizing such Lord Lieutenant or other Chief Governor or Governors to grant such superannuation, and such allowance, superannuation, compensation, gratuity or remuneration shall be presented in equal moieties, *One* at each Assizes during the life of each person so entitled thereto, on proof

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to

to the Grand Jury from time to time that such person is living; and when raised, such money shall be paid to each such person by the County Treasurer.

5 And be it Enacted, That when in any county any Special Constables shall have been appointed by virtue of an Act of the second and third year of the reign of His present Majesty, intituled, "An Act for amending the Laws in Ireland relative to the Appointment of Special Constables, and for the better Preservation of the Peace," and the Justices of the Peace of such county, acting at a Special Sessions
10 held for that purpose, or the major part of them, shall, in pursuance of the powers given to them by the said Act, have made any order or orders upon the County Treasurer for the payment to such Special Constables of a reasonable allowance for their trouble and loss of time, or to defray expenses incurred in providing staves or other necessary
15 articles for such Special Constables, it shall and may be lawful for the Grand Jury of such county, and such Grand Jury is hereby required to present (without previous application to Presentment Sessions) to be raised off such county, or any barony thereof within which such Special Constables may have served, the amount of all sums paid by
20 the County Treasurer pursuant to such order or orders.

95.
Presentment
for expenses
of Special
Constables.

And be it Enacted, That where any person shall have been tried for any felony whatsoever, it shall be lawful for the Court before whom such person shall have been tried, in case it shall appear that there was a reasonable ground of prosecution, to order the Treasurer of the
25 county in which the offence shall have been or shall have been alleged to have been committed, to pay to the Prosecutor upon his application such sum of money as to such Court shall seem reasonable, not exceeding the expenses which it shall appear to the Court that such Prosecutor may have bonâ fide incurred in carrying on such prosecution; and in case such Prosecutor shall appear to the Court to be in
30 poor circumstances, such Court may make a further reasonable allowance to such Prosecutor for trouble and loss of time, which order the Clerk of the Crown or Clerk of the Peace respectively is hereby direct and required forthwith to make out and deliver to such Prosecutor, upon being paid for the same the sum of *One* Shilling and no
35 more; and when any person shall appear on recognizance or subpœna to give evidence as to any felony whatsoever, whether the prosecution of such felony be commenced or carried on by or under the direction of any Law Officer of the Crown or any other person, it shall be lawful
40 for the Court before which such person shall appear, whether any bill of indictment be preferred or not to any Grand Jury, in case such person shall bonâ fide have attended in obedience to such recognizance or subpœna, to order the Treasurer of the county in which the offence shall have been or shall have been supposed to have been committed to pay unto such person such sum of money as shall seem reasonable, not

96.
Presentment
for expenses
of Prosecutors
and
Witnesses in
cases of Felony.

exceeding the expenses which it shall appear that such person has bonâ fide incurred by reason of the said recognizance or subpoena; and in case such person shall appear to be in poor circumstances, such Court may make a further reasonable allowance to such person for trouble and loss of time, which order the Clerk of the Crown or the Clerk of the Peace respectively is hereby directed and required forthwith to make out and deliver to such person, upon being paid for the same the sum of *Sixpence* and no more; and such Treasurer is hereby authorized and required, out of any public money in his hands, forthwith to pay to any such Prosecutor or Witness respectively, or to any person by him or her authorized, any such sum of money so ordered, and such Treasurer shall be allowed the same in his accounts; and the Grand Jury of such county shall at each Assizes present all sums so paid to such Prosecutors and Witnesses respectively, to be raised either on the county at large or upon any barony thereof, as to such Grand Jury shall seem fit; and such Presentment may be made without any previous application to Presentment Sessions.

97.
Presentment
for Compensation of
persons
maimed, and
to representatives of
persons murdered in certain cases.

And be it Enacted, That if it shall appear that any person having given information or evidence against, any person or persons charged with any offence against the public peace shall have been murdered or maimed previous to the trial of the person or persons accused by such information or evidence or of any of them, or on account of any such evidence given, or that any Magistrate or other Peace Officer shall be murdered or maimed on account of his exertions as such Magistrate or Peace Officers to bring disturbers of the public peace to justice, it shall and may be lawful to and for the Grand Jury of the county within which such murder or maiming shall have been committed respectively to present such sum or sums of money as they shall think just and reasonable to be paid to the personal representative of such Witness, Magistrate or Peace Officer so murdered, or to such Witness, Magistrate or Peace Officer so maimed, having regard to the rank, degree, situation and circumstances of such Witness, Magistrate or Peace Officer; such money to be raised on the county at large or the barony in which such murder or maiming shall respectively have been perpetrated, at the discretion of such Grand Jury.

98.
Presentment
for Rewards
to Prosecutors of
Felons.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county at any Assizes, if they shall think fit, to present, without any previous application at Sessions, any sum of money not exceeding the sum of *Twenty* Pounds for each and every person who shall apprehend and prosecute to conviction any person guilty of any murder; and any sum not exceeding *Ten* Pounds for each and every person who shall apprehend and prosecute to conviction any person guilty of any other capital felony or misdemeanor for which any person on conviction may be liable to be transported; such sum or sums

sums to be raised on such county or any barony thereof as such Grand Jury shall think proper, and to be paid to any Prosecutor or Prosecutors of such offenders as aforesaid; and such Presentment may be made during the time appointed for transacting the criminal business of such county.

And be it Enacted, that where any Convict shall be removed from the place in which such Convict shall have been confined, either to any place of embarkation in order to be transported beyond the seas, or to any House of Correction in which such Convict shall be ordered to be kept to hard labour, or from any Bridewell to the County Gaol, the amount of the costs, charges and expenses of every such removal shall be duly vouched by the affidavit of the Sheriff, Sub-Sheriff or Gaoler of the county in which such Convict shall be convicted, or by any other Officer having the charge of such removal; and if the account thereof shall be duly allowed at the County Presentment Sessions, the amount thereof shall be presented by the Grand Jury of such county at the next or any subsequent Assizes, to be raised on such county and paid by the Treasurer thereof to such Sheriff, Sub-Sheriff, Gaoler or other Officer.

99.
Presentment for Expenses of removing Convicts to Seaport or House of Correction.

And be it Enacted, That the Grand Jury of any county where any offence shall have been committed shall present, to be levied off such county, the expenses attending the removal thereto of any prisoner apprehended according to law in any other part of the United Kingdom; provided that, with an application by the Treasurer of the county to the next County Presentment Sessions after such expenses shall have been repaid by him, there shall be laid by such Treasurer before such Sessions the account or accounts of such expenses, verified as by law required, upon which he shall have repaid the same, and that such application and account shall be approved at such Sessions.

100.
Presentment of Expense of removing Offenders to County

And be it Enacted, That where, after the *passing of this Act* any child under the age of shall be left exposed and deserted in any parish in Ireland, and an application shall have been made and approved at the Presentment Sessions for the barony in which such parish shall be situate by any Two Cess Payers, it shall be lawful for the Grand Jury of such county to present, to be levied off such parish, any sum not exceeding *Five Pounds* in the year for the maintenance of such child, and such sum so levied shall be paid to the Cess Payers making such application, to be by them applied for the purposes aforesaid: Provided always, That if the Baronial Presentment Sessions shall not approve of any such application, or the Grand Jury of such county shall refuse or neglect to make such Presentment, it shall be lawful for the Judge of Assize, upon the complaint of such Cess Payers, to order such sum as he shall think fit, not exceeding *Five Pounds*, to be

101.
Presentment for deserted Children.

When Application disallowed, Judge may order a sum in certain cases.

raised upon such parish (in the same manner as any money presented by Grand Juries) for the support of such child: And provided further, That in no case shall any sum be presented for the support of any such child after it shall have attained the age of Years.

102.

Presentments
of Salaries
for County
Officers, &c.

And be it Enacted, That all County Treasurers, Clerks of the Crown, Clerks of the Peace, Secretaries to Grand Juries, Sheriffs, Medical Officers of Prisons, and all other Officers and persons mentioned and specified in the Schedule marked (S.) to this Act annexed shall, from and after the *passing of this Act* be paid and remunerated for their respective duties, services and expenses, by annual salaries only, payable half-yearly at each Assizes, by equal moieties, and according to the amount mentioned in the said Schedule; and the Grand Jury at any Assizes shall and may present (without previous application to Presentment Sessions,) for each such Officer, to be raised off the county at large, the moiety of such annual salary: Provided always, That in case of any negligent or insufficient discharge of duty by any such Officer or Officers, it shall and may be lawful to and for any Grand Jury, with the express sanction of the Court, but not otherwise, to present any sum or sums less in the whole than the moiety of the annual salary by this Act specified to be paid to any such Officer or Officers, or to withhold and refuse to make any Presentment whatever for any such Officer or Officers.

Proviso.

103.

No Presentment to be
fiated without
certain Certificates.

And be it Enacted, That no Presentment for any salary to any Treasurer of any county shall be fiated by any Court or Judge, unless there shall be previously produced to such Court or Judge by the acting Clerk of the Crown, either a Certificate signed by the proper Officer of the Court of Exchequer in Ireland, stating that such Treasurer has duly given and entered into the recognizances now required of him by law, and that such recognizances have been duly deposited and entered or recorded in such Court, and the dates thereof, and the names of the respective sureties therein, and the sums for which such sureties were severally bound; or else a Certificate signed by the Accountant General of the Court of Chancery that such sum of money as shall be equal to the amount of security required to be given by such Treasurer has been duly invested as by law required.

104.

Affidavit of
Emoluments
to be made
by Clerk of
the Crown
and Clerk of
the Peace.

And be it Enacted, That before any Clerk of the Crown or Clerk of the Peace shall be entitled to receive such salary as is hereby provided, he shall at each Assizes lay before the Grand Jury an account verified on oath, and sworn and read in open Court, setting forth the total amount of his fees and other emoluments, and distinguishing the several sums paid and received under each separate head of service, and the rates of fees or remunerations received on each; and it shall not be lawful for any Grand Jury to present, to be paid to any Clerk of the Peace, unless it shall appear to them that he has given security
by

by recognizance in the sum of *One thousand* Pounds for the due and faithful execution of his office of Clerk of the Peace, and that such recognizances have been duly deposited or recorded.

And be it Enacted, That in any county wherein a Special Commission shall be held for the trial of offenders, the Grand Jury at the Assizes next immediately ensuing shall and may (without previous application to Presentment Sessions) make a further Presentment for the Clerks of the Crown, Sheriffs and Judge's Crier, not exceeding the sum of £100 subject nevertheless to the like direction as hereinbefore given to any Grand Jury in case of insufficient neglect or discharge of duty by any Officer.

105.
Further Presentment for Clerk of the Crown and other Officers in certain cases.

And be it Enacted, That the Presentments to be made under this Act for the Secretaries to the several Grand Juries shall be in full acquittance of all demands to be made by such Secretaries for Stationery which such Secretaries shall be bound to furnish to the several Grand Juries without further charge, not however including the expense of Printing herein specially provided for.

106.
Presentments for Secretaries to be in full for Stationery.

And be it Enacted, That it shall and may be lawful for every Grand Jury at each Assizes and they are hereby required to present all such sum or sums of money as may be necessary to defray the expense of providing and printing all such Registry Books and Lists of registered Voters as are or shall be required to be provided and printed by the several Acts now in force for regulating the Elections of Members to serve in Parliament in Ireland, to be paid to the person or persons who shall have contracted for supplying and printing such books or lists.

107.
Presentment for expense of Registry Books and Lists of Voters.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county, and they are hereby required to present, to be raised off such county, the expense of providing and transmitting such copies of the Imperial Standard Weights and Measures, and the Stamps to be used by the Inspectors of Weights and Measures, as they are respectively directed to provide and transmit under and by virtue of an Act passed in the fifth and sixth years of the reign of His present Majesty, intituled, "An Act to repeal an Act of the fourth and fifth years of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof."

108.
Presentment for copies of Weights and Measures, and for Stamps and Remuneration of Inspectors.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county to present, to be levied off such county, such sum or sums of money as may be necessary or shall have been expended for or in suing any Treasurer, High Constable or Collector of any public money, or any of their sureties, executors or administrators, for any misconduct, breach of duty or non-payment, or for recovering

109.
Presentment for Expenses of suing Treasurers and Contractors, &c.

Taxed Bill
of Costs to
be laid before
Sessions.

any public money from any Treasurer, High Constable or Collector, or their sureties, executors or administrators, or for suing any Contractor under this Act, or under any Act in force in Ireland at the time of the *passing of this Act*, his sureties, executors or administrators for any breach of contract; provided that no such Presentment shall be made unless, together with the application therefor at Presentment Sessions, there shall have been laid before such Sessions a Bill, duly taxed and certified by the proper Taxing Officer, of the costs incurred for any of the purposes aforesaid for which such Presentment shall be required, nor unless it shall be proved that such costs could not be recovered from the person sued, or any other person liable to pay the same. 5 10

110.
Presentment
of Salary and
Expenses of
Commissioners
of Valuation
and
Allowances
of Valuators.

And be it Enacted, That whenever the Lord Lieutenant of Ireland, by virtue of the powers and authorities given to him by an Act passed in the seventh year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes and other Divisions of Counties in Ireland, for the purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes and Divisions respectively," and any Act amending the same, shall have ordered and directed any sum or sums of money to be advanced out of the produce of the Consolidated Fund of the United Kingdom arising in Ireland, for the defraying of the salary or the travelling or other expenses of any Commissioner of Valuation, or for defraying the allowances of any Valuators appointed under the provisions of the said recited Act of the reign of his late Majesty, it shall and may be lawful for the Grand Jury of any and every county in which such Commissioner and such Valuators shall be employed, and they are hereby authorized and required, on the production of the Certificate of the Chief Secretary of such Lord Lieutenant, or of the Under Secretary, of the amount of money advanced and paid as aforesaid, to present (without previous application to Presentment Sessions), to be levied off their respective counties, or any barony or baronies therein, the amount of the sum or sums stated in such Certificate, in such manner and in such proportions as the said Lord Lieutenant shall direct; and when and so soon as the sum or sums so to be presented as aforesaid shall be raised and received by the Treasurer of any county, such Treasurer shall pay over the same in such manner and to such bank or person as the Lords Commissioners of His Majesty's Treasury shall direct. 15 20 25 30 35 40

111.
Presentment
for Track-
ways on
Banks of
Navigable
Rivers.

And be it Enacted, That it shall and may be lawful for the Grand Jury of any county to present at any Assizes such sum or sums of money as may be necessary to repair or widen to any width not exceeding *Fifteen Feet*, any towing path and trackway on the bank of any

any navigable river, on which boats have been accustomed to be towed by horses, to be levied off the barony or baronies in which such towing-path and trackway are locally situate: Provided always, That nothing herein contained shall extend to the repairing or widening of the towing-paths or trackways of canals or rivers whereon tolls are paid or payable to any corporate or public company.

And be it Enacted, That it shall be lawful for any person or persons who now have or hereafter shall have any ferry over a river (except in cities and towns corporate) to erect and support a Bridge at his or their own expense over such river in the place of such ferry, and to take and receive for passing such Bridge such Toll and no more, as they are entitled to receive for passing such ferry, so as that such Bridge shall not obstruct the navigation of such river; and that such Tolls shall be recoverable in the like manner, and under such penalties for refusing or evading to pay the same, by any Justice of the Peace, as is prescribed by an Act passed in the Parliament of Ireland in the thirtieth year of the reign of his Majesty King GEORGE the Third, intituled, "An Act for the building a Bridge over the River Loughfoyle, in the City of Londonderry, and the Suburbs thereof," and that it shall be lawful for any Grand Jury, upon an application made and approved of in manner by this Act directed, to make Presentment for the purchase of the properties in any such Bridges, in order to open the same free of Tolls for the benefit of the public.

112.
Owners of
Ferries may
erect Bridges
and take Tolls
on certain
conditions.

Grand Jury
may present
for the purchase of the
Property in
such Bridges,
to open them
Toll-free.

And be it Enacted, That at any time after the completing and opening of any Bridge built in pursuance of an Act passed in the Parliament of Ireland in the nineteenth and twentieth years of the reign of his Majesty King GEORGE the Third, intituled, "An Act for empowering Grand Juries to present Bridges, and Tolls to be paid for passing the same in certain cases;" and of an Act passed in the fifty-third year of the reign of his said Majesty King GEORGE the Third, amending the same, it shall and may be lawful for the Grand Jury of the county in which such Bridge shall be situate, or if situate in two counties, then for the Grand Juries of such counties to redeem the Tolls payable under the said Acts to the owner or owners of the said Tolls, by paying in one sum to such owner or owners the original sum expended in building such Bridge, with any deficiency of interest which may arise, in case by the perception of the said Tolls the said owner or owners shall not have received, above all necessary costs and charges of repair and collection of the said Tolls, the legal interest at the least for the money originally expended in building and erecting such Bridge; and on such payment of the original sum so expended, and of such deficiency, if any there shall be, then the said Tolls shall cease, and the passage of such Bridge shall be open and free to all cattle, carriages and persons whatsoever; and such Grand Jury is

276, hereby

113.
Powers of
Grand Juries
to redeem
Tolls payable
on certain
Bridges.

Presentment
of Sums

necessary to
redeem.

hereby empowered, upon an application made and approved of in manner by this Act directed, to raise by Presentment, to be levied off the county at large, such sum or sums of money as may be sufficient to defray the expenses of redeeming such Tolls in manner aforesaid, such sum or sums to be paid to the owner or owners of such Tolls.

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114.

Savings of
Presentments
for the
erecting of
certain
Bridges.

And be it Enacted, That nothing herein contained shall be construed to limit or affect the power or duties of any Grand Jury to make any Presentment which they are authorized or required to make, under and by virtue of an Act passed in the fourth and fifth years of the reign of His present Majesty, intituled, "An Act for the more effectually providing for the Erection of certain Bridges in Ireland;" provided that no previous application or approval at Presentment Sessions under the provisions of this Act shall be necessary to authorize any such Presentment.

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115.

Presentments
for clearing,
&c. Rivers,
to be applied
for at Baronial
Presentment
Sessions.

And be it Enacted, That nothing in this Act contained shall limit or affect the authority of Grand Juries to make Presentment for clearing, sinking, embanking or altering the course of any river or stream pursuant to the provisions of an Act passed in the first and second year of His present Majesty, intituled, "An Act to empower landed Proprietors in Ireland to sink, embank and remove Obstructions in Rivers;" provided that an application for such Presentment, in the form prescribed by the said recited Act, shall have been previously made and approved in the manner hereinbefore appointed at the Presentment Sessions holden for the barony where the work to which such application may refer shall be locally situate.

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116.

Powers reserved to
Grand Juries
to make
Presentments
under Prison
Act.

And be it Enacted, That nothing in this Act contained shall be construed to limit or affect the powers, duties or authorities of Grand Juries, to make any Presentments which they are authorized or required to make under and by virtue of an Act passed in the seventh year of the reign of his late Majesty, intituled, "An Act for consolidating and amending the Laws relating to Prisons in Ireland;" Provided always, That it shall not be lawful for any Grand Jury to make any Presentment under the provisions of the said recited Act for any salary or compensation to any Keeper, Turnkey or Matron of any Gaol, Penitentiary, Bridewell or House of Correction, or for building; rebuilding, altering, enlarging or repairing any Gaol, Bridewell, House of Correction or other prison (except in the case of repairs made under the provisions of the said recited Act, in consequence of any fire or other sudden accident which may happen to any such Gaol; Bridewell, House of Correction or other prison), unless application for such Presentment shall have been made and approved at Presentment Sessions in the manner hereinbefore directed and provided: Provided also, That all contracts which any Grand Jury is authorized

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to

to make or enter into under the provisions of the said recited Act, shall be made by sealed tenders and proposals, to be delivered, opened and dealt with, and security to be taken in like manner as hereinbefore provided with respect to other contracts for public works, any thing in the said recited Act to the contrary notwithstanding: Pro-
 5 vided also, That no such contract shall be entered into, nor any Presentment made thereupon, save upon and after an application made and approved at Presentment Sessions as hereinbefore directed.

10 And be it Enacted, That it shall and may be lawful to and for the Lord Lieutenant of Ireland in his discretion, upon the recommendation of the Inspectors General of Prisons, or *One* of them, supported by the Certificate of the Board of Superintendence of any Gaol, Bridewell, House of Correction or other prison, and by such other Certifi-
 15 cates as such Lord Lieutenant shall require or direct; that any Keeper, Turnkey or Matron of such Gaol, Bridewell, House of Correction or other prison is incapable from age or infirmity of mind or body to discharge the duties of his or her office, to order that such Keeper, Turnkey or Matron shall and may be superannuated, and shall and
 20 may receive such yearly allowance or superannuation as to such Lord Lieutenant shall seem fitting and proper; and thereupon such Keeper, Turnkey or Matron shall cease to hold his or her office, and the yearly sum to which he or she shall become entitled shall (without previous application at Presentment Sessions) upon the production of the order
 25 of the Lord Lieutenant directing such superannuation be presented by the Grand Jury of the county in which such Gaol or other prison shall be situate, in equal moieties, *One* at each Assizes, during the life of the person so superannuated, on its being proved to the satisfaction of such Grand Jury that such person is living: Provided always, That
 30 no such superannuation allowance for any such Keeper, Turnkey or Matron shall in any case exceed *Two-thirds* of the annual salary to which such person shall be entitled at the time of his or her superannuation.

117.
 Lord Lieutenant em-
 powered to
 superannuate
 Gaolers,
 Turnkeys, &c.
 on certain
 Certificates.

Presentment
 of such Su-
 perannuation.

Not to exceed
Two-thirds
 of former
 Salary.

35 And be it Enacted, That nothing in this Act contained shall limit or affect the powers, duties or authorities of Grand Juries to make Presentments for any public work, or for the raising of any public money for which they are now authorized or required to make Pre-
 40 sentment by virtue and pursuant to the provisions of an Act passed in the first and second year of His present Majesty's reign, intituled, "An Act for the Extension and Promotion of Public Works in Ire-
 land;" and wherever in and by the said recited Act Grand Juries are empowered to make Presentments in order to obtain advances, loans or grants from the Commissioners for the execution of the said recited Act for the purpose of any public work which under the laws in force

118.
 Powers re-
 served to
 Grand Juries
 to present for
 advances, &c.
 from Com-
 missioners
 of Public
 Works.

Application
to be made at
Sessions ex-
cept for
Grants.

at the time of the passing of the said Act it was competent for Grand Juries to present, they are hereby authorized and empowered to make similar Presentments in all respects and for like purposes for any public work which they are under the provisions of this Act authorized to present, and such Presentments when made shall be dealt with by the said Commissioners in all respects as the Presentments which Grand Juries were empowered to make in order to obtain advances, loans or grants under the provisions of the said recited Act: Provided always, That no Presentment shall be made for the purpose of obtaining any grant, loan or advance of money from the Commissioners for the execution of the said recited Act, unless an application shall have been duly made and approved at the proper Presentment Sessions in the manner hereinbefore appointed; and all works so applied for (except in the case of applications for Presentments for the purpose of obtaining grants from the said Commissioners) shall be executed by contract made upon sealed tenders and proposals in the manner hereinbefore prescribed with respect to other public works to be executed by Grand Jury Presentments; and in all other respects the said recited Act, and all powers, authorities, conditions, clauses and regulations therein contained, shall be and remain in full force and effect, any thing herein contained to the contrary notwithstanding.

119.
All Presentments shall contain a reference to the Chapter and Section of the Act under which they are made, &c.

And be it Enacted, That on the face of every Presentment for the levying of any public money whatsoever, the year of The King's reign, and the chapter and section of the Act of Parliament (as printed by The King's Printer) under which such Presentment is authorized to be made and fiated shall be inserted; and every such Presentment shall be entered in the County Book and in all the Schedules of Presentment, with a marginal note of such Acts in manner aforesaid; and the title of the Act so referred to shall be inserted at the end of all such Schedules, in default of which it shall not be lawful to present for printing the same; and all Presentments not made according to the directions foregoing shall be null and void.

120.
Advances may be made to Contractors in certain cases not exceeding Three-fourths of cost of work.

And be it Enacted, That in cases where the cost of executing any public work shall exceed *Twenty* Pounds, it shall be lawful for the Grand Jury at the time of presenting for the work, to authorize the Treasurer of the county, from and out of any funds in his hands applicable to the purpose, to advance from time to time during the execution of the work to the contractor, upon his application, any sum not exceeding in the whole *Three-fourths* of the cost of such work; provided that no such advances shall be made by such Treasurer unless such application shall be accompanied by a Certificate attached thereto and signed by the proper Surveyor, that more than the sum applied for by such contractor, in addition to any previous advances made

made by him for such work, has been fairly and honestly expended upon it conformably to the contract, and that such application shall have been approved at the proper Presentment Sessions.

And be it Enacted, That all contractors under this Act shall be liable to be summoned before the Justices assembled at any Petty Sessions on complaint of the party aggrieved for recovery of any wages or money payable to any person employed by them in the execution of such works, so as the sum demanded do not exceed *Six* Pounds; and such Justices assembled as aforesaid are hereby authorized and required to hear such complaint and adjudicate thereon; and it shall be no defence to such complaint that such contractor has not himself received any payment upon foot of his contract; and the decision of such Justices shall be final; and the sum adjudged to be due shall be levied by warrant of distress under hand and seal of any *Two* such Justices off the goods and chattels of such contractor.

121.
Contractors liable to be summoned before Justices at Petty Sessions for Wages.

And be it Enacted, That every person who may contract for the execution of any work under this Act shall, on the completion of the work for which he may have contracted, or whensoever by the terms of such contract he may be entitled to payment, give notice to the Surveyor of the county, *Twenty* Days at the least before the day appointed for the holding of the first Presentment Sessions in the county after every Assizes or Presenting Term, of his intention to make application as hereinafter provided, and require of such Surveyor a Certificate of the due execution of such work or performance of such contract; and such contractor shall lodge with the Secretary of the Grand Jury within the period hereinbefore limited for the lodgment of notices of applications for Presentments for public works a notice of his intention to apply for payment of the sum contracted for by him, together with such Certificates to be obtained from the said Surveyor; and the Secretary to the Grand Jury shall arrange in like manner as he has been hereinbefore directed to arrange applications for Presentments all such notices and certificates, and annex to each the number by which the contract in respect whereof such notice or certificate may be given is distinguished in the book of Abstracts which such Secretary has been hereinbefore directed to keep, and indorse on such notice and certificate the date of the lodgment of the same; and such Secretary shall lay all such notices and certificates, with an abstract thereof and index thereto, before the Presentment Sessions to be holden for the barony, or one of the baronies, or the county of a city, or county of a town in which such work shall have been executed; and the Justices and Cess Payers at such Sessions shall examine into all such applications for payment on the part of such contractors, and inspect the notices thereof, and the certificates aforesaid, and examine the Surveyor or Surveyors, and all other persons whom they may think it necessary to examine for the

122.
Contractors to procure Certificate from County Surveyor of the completion of work, and to lodge Notice with Secretary of Grand Jury of Application for payment.

Secretary to make Schedule of Notices and lay same before Justices at Presentment Sessions.

Such Applications to be dealt with in like manner as Applications for Presentments;

and allowed or disallowed by Grand Jury at their discretion.

Proviso.

purpose of ascertaining the due execution of the work or matter contracted for, and shall therein have and exercise all such powers and authorities as in the case of applications for Presentments, and in like manner determine and decide upon all such applications for payment by majority of votes; and the Chairman at such Sessions shall on every application which may be approved indorse the word "Allowed," and on every application which shall not be approved he shall indorse the word "Disallowed," and the reason of such disallowance, and a note of or reference to the particulars of the execution of the work which may have caused such disallowance; and all such applications, with the notices and certificates thereto belonging, shall be delivered to the Secretary of the Grand Jury, to be laid before them at the next ensuing Assizes, and such Grand Jury shall take such applications as have been approved into consideration, and allow or disallow the same according to their discretion; but it shall not be lawful for such Grand Jury or for the Court to allow any application which shall not have been approved of at such Sessions; and no such contractor shall be entitled to payment who shall not have given such notice and made such application to be approved and allowed as aforesaid; any thing in any contract contained, or any law or usage to the contrary notwithstanding.

123.
Contractors for printing to obtain Certificate of Clerk of the Peace and County Treasurer.

Provided, and be it Enacted; That every person who may contract with any Grand Jury for any county printing shall, instead of the certificate of the County Surveyor obtain a certificate from the Clerk of the Peace and the County Treasurer of the proper execution of such printing, and the performance of such contract, and such person shall lodge such certificate, and apply for payment of the sum contracted for by him, in all respects as hereinbefore provided as to contracts for public works, provided that such application may be made by himself alone.

124.
Treasurer not to pay until Traverse decided.

And be it Enacted, That it shall be lawful for the Treasurer of any county to pay any money which may be applied for by any contractor or other person, the application wherefor has been traversed, unless such traverse shall be withdrawn, or judgment given for the defendant on the trial thereof.

125.
All Presentments and Applications by Contractors for payment liable to traverse.

And be it Enacted, That it shall be lawful for any person paying Grand Jury Cess for any county to traverse any Presentment made under this Act by the Grand Jury of any such county, and also to traverse the application of such contractor under this Act for payment, on the ground of such contractor not having complied with the terms of his agreement or with the provisions of this Act; and the Court at each Assizes is hereby authorized and required to try the truth of the fact by a jury in the same manner as any traverse within the jurisdiction of the Court ought to be tried; and it shall not be lawful for the Clerk of

of the Crown or Clerk of the Peace to take any greater fee for or in respect of such traverse than the sum of *Five Shillings*, and costs shall be paid by the party against whom such traverse shall be found; provided that although there shall be a verdict against such traverse, yet
 5 if the Court shall be of opinion that there was reasonable and probable ground for traversing such Presentment or the application of such contractor, the costs shall be paid by the Treasurer of the county from and out of the county monies in his hands, and the Grand Jury shall present the same without previous application to Presentment
 10 Sessions: Provided always, That every person intending to traverse any Presentment or payment for which it is by this Act required that application shall be made at the Presentment Sessions, shall give notice in writing of such intention to the Chairman of the Sessions at which the application for such Presentment or payment is to be taken
 15 into consideration within *Two Days* after the first day of such Sessions; and the same or any other Presentment shall be traversed only at the Assizes at which the Presentment shall be made or payment required.

Notice of Traverse to be given to Chairman of Sessions and Traverse to be tried at next Assizes.

And be it Enacted, That it shall be lawful for any occupier or
 20 owner of the ground through which any new road is to be made, or into which any old road is to be widened, to traverse the Presentment for the same for damages at such Assizes as aforesaid, having given like notice to the Chairman at Presentment Sessions as aforesaid, and also a notice to the Secretary of the Grand Jury previous to the
 25 commencement of such Assizes of the amount of damage intended to be claimed, which Traverse or Traverses shall be tried then or at the ensuing Assizes for such county upon the entry in the Crown Book of the Presentment and Traverse without making up any record; and the Jury which shall try such traverse shall be sworn true verdict to give
 30 whether any and what damages will occur thereby to the Traverser, taking into consideration any collateral advantages which may result or accrue to such Traverser by reason thereof, and making abatement accordingly; and it shall be lawful for the Grand Jury to present, without previous application at Presentment Sessions, such sum
 35 or sums of money so found for damages, to be raised on the county or on the barony respectively in which the Traverser shall have made it appear that he or she sustained the damages, and to such latter Presentment no Traverse shall be allowed or received; and upon the damages so found being presented for the use of such Traverser, or deposited for his or their use with the Treasurer of the county, it shall be
 40 lawful for the contractor to proceed in the execution of the Presentment without the interruption of any person.

126.
Traverses of Presentments for Damages.

Presentment of sums found by Jury.

And be it Enacted, That from and after the *commencement of this Act*, in all cases of maliciously or wantonly setting fire to, burning or
 276. G 4 destroying

127.
Compensation for malicious injury.

destroying any house, out-house or other building, or any haggard, corn, hay, straw or turf, or of maliciously setting fire to, burning or sinking any boat or barge laden with corn or other provisions, or of maliciously killing, maiming or houghing, or otherwise injuring any horse, mule, ass or swine, or any horned cattle or sheep, or of maliciously damaging, injuring or destroying any bank, gate, lock, sluice, bridge, dam or other work belonging to any public canal or navigation, any person or persons injured by any such offence, and intending to apply for compensation for any loss or damage sustained thereby, shall serve notice in writing of such injury and of such his or their intention upon the High Constable of the barony and the Churchwardens of the parish, or if there be no Churchwarden, upon *Two* of the principal inhabitants of the parish wherein such offence shall have been committed, within *Six Days* at least after the commission of the same, and shall lodge with the High Constable or Secretary of the Grand Jury in like manner and time as applications for Presentments for public works are hereinbefore directed to be lodged, an application setting forth the loss or damage occasioned by such offence, and stating the time and place when and where such injury was done, the particular property consumed, injured or destroyed, and the amount of damage thereby sustained, and by what number of persons, and whom by name and description such injury was done, if such offender or offenders shall be known, and if not, stating such particulars respecting such offender or offenders as may be known; and like notices shall be posted of such application as hereinbefore prescribed in cases of other applications to Presentment Sessions; and such application shall be scheduled by the Secretary of the Grand Jury, and by him dealt with in all respects as other applications under this Act; and the Presentment Sessions shall examine into the serving and posting the notices of such application and into the merits of the same, and the Chairman shall indorse their opinion thereupon, and such Secretary shall deliver such application so indorsed to the Grand Jury at the next Assizes; and the said Grand Jury shall during the time appointed for transacting the fiscal business of the county examine into the matter of such application upon the oath of the party injured, or such other evidence as can be produced touching the said offence; and the said Grand Jury shall on the consideration of the said matter either disallow such application altogether, or present such sum or sums of money as the person or persons so injured ought to receive for such injury or damage, to be levied, when the sum shall exceed *One hundred Pounds*, off the county at large, and when the sum shall be less than *One hundred Pounds*, to be levied off the barony, or in case of uncertainty as to the place where such offence shall have been committed, then off the contiguous baronies of such county.

Notices of
injury within
Six Days to
Church-
wardens, &c.

Application
to Sessions.

To be laid
before Grand
Jury with
opinion of
Sessions
endorsed, and
Presentment
made or
refused, &c.

And

128.

Applications
when and
where to be
made.

And be it Enacted, That every application under this Act for compensation for loss or damage occasioned by any malicious injury as aforesaid shall be made at the next Presentment Sessions which shall be holden after the commission of such offence for the barony, county
 5 of a city, or county of a town where the same shall have been committed, unless any such malicious injury shall have been done after the day appointed for holding the first Presentment Sessions after the Assizes for the county in which such injury shall have been done, or so near the day of holding the same that such application for
 10 compensation cannot be duly lodged as hereinbefore directed, in either of which cases the person or persons so injured shall make such application at the Presentment Sessions which shall be holden next but one after the time of the commission of such offence for the barony, county of a city or county of a town where the same shall
 15 have been committed, and the notices of such application shall be posted accordingly; and it shall not be lawful for any Grand Jury to make any Presentment for compensation for malicious injury under the provisions of this Act, except at the Assizes next ensuing to the Sessions where application shall have been made therefor.

129.

Examinations
upon Oath
before Justice
by persons
injured, &c.
within Six
Days after
offence
committed.

Provided always, and be it Enacted, That every person or persons who shall, under the provisions of this Act, apply for compensation for any loss or damage occasioned by malicious injury as aforesaid, shall within *Six* Days after the commission of the said injury give in his, her or their examination upon oath, or that examination upon
 25 oath shall be given by his, her or their servant or servants who had the care of his, her or their property so injured, before some Justice of the Peace of the county where such injury shall have been committed, thereby specifying whether he, she or they do know the person or persons who committed the said injury, or any of them, and
 30 in such case such examinant or examnants shall be bound by recognizance to prosecute such offender or offenders, by indictment or otherwise, according to the laws of this Kingdom.

130.

When Pre-
sentment
opposed,
or Application
disallowed,
Jury may be
sworn to try
the matter.

And be it Enacted, That all such applications whatsoever for compensation for loss or damage sustained by malicious injury shall be
 35 laid by the acting Clerk of the Crown before the Judge of Assize upon his arrival; and in case any person paying Grand Jury Cess for the county or barony, chargeable with the sum presented by the Grand Jury upon any such application, shall be desirous of opposing any such Presentment, or in case any person whose application for
 40 compensation shall have been disallowed by the Grand Jury shall wish to have his or their application reconsidered, such Cess Payer or person or persons applying for compensation shall be heard; and in either of such cases the Judge, if he shall so think fit, shall direct a Jury to be forthwith impannelled to try the matter of such Presentment or appli-

Their Verdict
final.

Costs in
discretion of
the Judge.

cation respectively; and according as the issue shall be found for or against such Cess Payer, the Judge shall discharge, alter or fiat such Presentment; and in case of application disallowed, if the issue shall be found for the person or persons applying for compensation, the Judge shall direct the Grand Jury to make Presentment thereupon accordingly, otherwise such application shall be discharged; and all verdicts of Juries impannelled as aforesaid to try any such issues shall be final and conclusive to all persons whatsoever; and it shall be lawful for the said Judge to award by rule for that purpose costs to the parties for whom the issue shall be found against the other party or parties respectively in any sum not exceeding *Ten* Pounds sterling; and the said Judge is hereby empowered to direct and issue forthwith an order or orders in the nature of execution against such last-mentioned party or parties respectively, which said order or orders the Sheriff of such county is hereby required to execute in the same manner as in cases of executions against the chattels and effects of defendants.

131.
No Present-
ment for
Compensa-
tion to be
removed by
Certiorari.

Nor Traverse
allowed.

No Action or
Suit in cases
provided for
by this Act.

And be it Enacted, That no Presentment for compensation for loss or damage as aforesaid shall at any time be removed by Certiorari; nor shall any such Presentment be at any time quashed for any informality, imperfection or defect in form whatsoever; and no Traverse as aforesaid shall be allowed or received to any such Presentment; nor shall any action or suit for the recovery of any satisfaction or damages sustained by reason of any injury, for which the person or persons injured thereby may be entitled to apply for compensation under the provisions of this Act, be brought or prosecuted against any Chief or other Magistrate, or any inhabitant or inhabitants of any parish, or other person or persons whatsoever, any Act or Acts now or heretofore in force in Ireland to the contrary notwithstanding.

132.
Mode of
obtaining
Compensa-
tion for injury
committed
near Bounda-
ries of
Counties.

Provided also, and be it further Enacted, That in case such burning or other malicious injury as aforesaid shall be committed on the verge or within the distance of *One* Mile of the boundary of any *Two* or more counties, the person or persons who shall sustain such injury may apply for compensation in the manner hereinbefore directed, in either or any one of such neighbouring counties; and all proceedings shall be taken thereupon as hereinbefore provided with respect to other applications for damages for malicious injury; and in case any sum or sums of money shall be presented by the Grand Jury of the county where such application shall be made, or shall be finally awarded by the verdict of any Jury as and for compensation to the person or persons applying as aforesaid, the Judge at the Assizes of such county shall have power and authority to apportion the amount of such compensation amongst such neighbouring counties, and shall direct the proportion of the same which shall be paid by them

them respectively, and shall certify the same accordingly; and such Presentment shall thereupon be diminished, or Presentment made, according to the proportion which the said Judge shall direct to be paid by such county; and the Grand Jury or Grand Juries of the said other
 5 neighbouring county or counties respectively shall and they are hereby required, on the production of the certificate of such Judge declaring the proportion to be paid by such county or counties, to present such proportion when the same shall exceed *One hundred Pounds*, to be raised off the county at large, and if such pro-
 10 portion shall be under *One hundred Pounds*, to be raised off the barony or baronies in or near to which such injury shall be alleged to be committed, and paid to the person or persons so applying as the case may require.

And be it further Enacted, That no fee shall be demanded from or
 15 paid by any such Cess Payer or person applying to the Clerk of the Crown, Judges, Crier or Jury for any matter or thing relating to any such application, presentment or trial.

133.

And be it Enacted, That the Clerk of the Crown of every county in Ireland shall, within *Twenty-one Days* after every Assizes, deliver to
 20 the Treasurer of such county, without a fee or reward, a copy attested upon oath and signed by himself of all Presentments which shall have been made and fiated at the preceding Assizes, and likewise copies of all queries discharged and remaining undischarged, distinguishing the same; and such Treasurer shall forthwith, after the receipt thereof, cause a number of copies of such Presentments and
 25 queries (distinguishing such as have been discharged) to be printed and distributed as the Grand Jury shall direct; and it shall and may be lawful for the Grand Jury at each Assizes to present, to be levied off the county, such sum as shall be necessary for defraying the expense of
 30 printing and distributing such copies, and also to present all such sum or sums of money as shall be necessary to defray the expense of printing the Treasurer's account, and all copies of Schedules of applications, and other printing required under the provisions of this Act, or which may be ordered by the Judge of Assize for any county purpose.

134.
 Clerk of the Crown to deliver copies of Presentments, &c. to County Treasurer.

To be printed and distributed.

Presentment for printing Query Books and Schedules.

35 And be it Enacted, That the Treasurer of each Grand Jury, in the preparation of all printed lists of Presentments granted by such Grand Jury, shall place in a separate page of such lists the several sums of money which shall have been presented by such Grand Jury under the laws now in force, under which it is imperative on such Grand Jury to make Presentments for various public services; and the amount of all sums in such lists shall be totted up at the foot of each column.

135.
 Imperative Presentments to be printed separately in Query Book.

136.

Copies of all Presentments made the preceding year shall be forwarded to the Chief Secretary of Lord Lieutenant to be laid before Parliament annually.

And be it Enacted, That the Treasurer of every county in Ireland, shall on or before the *Twenty-fifth* day of December in each and every year, cause a true copy, signed by himself, of all Presentments which shall have been made by the Grand Jury, and filed by the Court at any Assizes or Presenting Term in such year for the county whereof he is Treasurer, to be forwarded to the Secretary of the Lord Lieutenant, to be by him laid before Parliament; and in case any Treasurer of any county shall neglect to make such return as aforesaid, he shall forfeit his office, and be for ever after incapable of acting as Treasurer of any county in Ireland.

137.

Power to re-present arrears to be levied as sums originally presented.

And be it Enacted, That it shall be lawful for any Grand Jury to re-present any such sums of money as now are or at any time hereafter shall be unpaid or in arrear out of any barony or county of a city or town, to be raised and levied on such barony, county of a city or town upon which the same was originally required by the Treasurer's warrant to be levied; and to present all such sums of money which have hitherto been or which shall at any time hereafter remain unpaid on account of the absconding or insolvency of any County Treasurer, Collector or other person empowered to receive or collect public money, who is or shall be insolvent, to be raised and levied either upon the county or upon the barony in which the same was before levied as they shall think fit, which sums shall be levied in the same manner and subject to the same rules, regulations, provisions and powers as any money to be levied by virtue of this Act is to be subject; and in case any money so detained or secreted by any Collector, Treasurer or other person empowered to collect or receive public money shall be thereafter recovered, it shall be paid to the then Treasurer; and such money so paid, and any balance, arrears of or surplus on the salary of any County Officer, and all other such like surplus and balances of money raised by authority of this Act, or which may anyhow arise in the hands of any County Treasurer, shall be applicable to defray the expenses of any public work or any county charge whatsoever which the Grand Jury are authorized to present under the provisions of this Act, and shall be presented by the Grand Jury for such of the said purposes as to them shall seem expedient: Provided always, That such sum shall be applied to the credit of the county or barony off which it was originally levied; and provided further, That before it shall be lawful for any Grand Jury to re-present any sum of money as unpaid or in arrear out of any county or barony, to be raised and levied on such county or barony, it shall be made to appear by affidavit of the Collector to such Grand Jury that such sum is actually in arrear and unpaid by such county or barony respectively, and that it could not have been levied from the persons or out of the lands charged with or liable to pay the same.

Surplus Monies applicable to general purposes of County.

Affidavit of Arrears before Re-presentment.

And

And be it Enacted, That whenever any sum shall have been presented for any work which shall not be executed within the time or according to the terms prescribed by the contract for executing the same, it shall be applied under the direction of the Surveyor for the purpose of executing or completing such works, and shall be accounted for by him.

And be it Enacted, That the Grand Jury of each county shall at each Assizes appoint a proper person to be High Constable and Collector for each barony in such county, to collect all money which shall be presented to be raised on such barony or any parish or townland therein, and also such barony's proportion of the money presented to be raised on the county at large; and every such High Constable shall have all power and authority, and shall exercise and perform all duties now or hereafter to be by law required of any High Constable; and the Grand Jury of each county of a city or county of a town shall at each Assizes appoint a proper person or persons to be Collector or Collectors for such county of a city or county of a town to collect all money which shall be presented to be raised on such county of a city or county of a town, or on any parish or district thereof: Provided always, That if any such High Constable or Collector shall happen to die before he shall have collected the whole of the money presented to be raised as aforesaid on such barony, county of a city or county of a town for which he shall be High Constable or Collector, or if any case of vacancy should occur, it shall be lawful for the Justices of the Peace for the said county, at any General Quarter Sessions of the Peace or adjournment thereof, to appoint another fit and proper person to be High Constable or Collector pro tempore, until a High Constable or Collector shall be appointed by the Grand Jury of such county, county of a city or county of a town as aforesaid.

139.
Appointment
of High
Constable and
Collector for
each Barony
in Counties.

Collectors in
Cities and
Towns.

In case of
vacancy
Justices to
appoint pro
tempore.

Provided always, and be it Enacted, That no person shall act as High Constable or Collector, unless he shall have given security at the Assizes before the Grand Jury by whom he shall have been appointed, or before the Justices of the Peace at the Sessions, if such High Constable or Collector shall have been appointed at Sessions, by Two sufficient sureties joining with him in executing a bond and warrant of attorney without stamp, to confess judgment to the Treasurer of the county conditioned for his duly collecting and paying to such Treasurer on or before the first day of the next Assizes all such public money as he is or shall be required by him to collect; and on his producing to the Grand Jury the Treasurer's certificate of his having paid the same to the Treasurer pursuant to such recognizance, it shall be lawful for the Grand Jury to present, without previous application to Presentment Sessions, a sum not exceeding . . . in the pound on the amount of the collection to be paid to such High Constable or Collector

140.
High Con-
stable and
Collectors to
give Security.

Affidavit by
them of fair
levy.

for his trouble therein: Provided always, That no Presentment for such poundage shall be made by any Grand Jury or flated by the Court unless the Treasurer's warrant under which such High Constable or Collector has levied such public money shall be annexed to such Presentment, nor unless such High Constable or Collector and their deputies respectively shall make affidavit before the said Grand Jury that such public money has been fairly and impartially levied, and that no more than the sum authorized by the Treasurer's warrant with the customary Collector's fees has been collected to the best of his and their knowledge and belief; and every High Constable and Collector as aforesaid may, by writing under his hand and seal, appoint a Deputy Collector or Deputy Collectors, for whom he shall be answerable, to assist him in collecting the public money; and every such bond and any judgment entered thereon shall vest in and may be sued for by the Treasurer for the time being, who shall be entitled to continue the proceedings of any former Treasurer on filing a Suggestion, stating his appointment to such office, or on his making it otherwise appear to the Court in which such proceeding may be pending, that he is the acting Treasurer.

May appoint
Deputies.

141.
Treasurer
to issue his
Warrants to
Collectors

after re-
ceiving the
Copies of
Presentments.

Money to be
collected and
paid in Two
Days before
next Assizes.

Treasurer's
Warrant to
be in force
for Two
Years.

And be it Enacted, That the Treasurer of each county shall within after he shall have received from the Clerk of the Crown the copies of the Presentments of the preceding Assizes, issue his warrants to the several persons who, under the provisions of this Act, are to be the Collectors for levying and collecting the sums to be raised off each barony, or county of a city or town; which sums every Collector to whom such warrant is directed is hereby empowered and required to raise and levy, and to pay the amount to the Treasurer *Two Days* before the first day of the next Assizes; and in every such Treasurer's warrant shall be inserted the names of the several manors, parishes or denominations contained in that portion of the county which such person is to collect from, as the same is contained in the county books, barony books and applotment tables, and also the whole sum to be collected by such person, and the portion thereof which each manor, parish or denomination is to pay, according to its contents in the said books and tables, or as it has been usually rated at; and every such warrant of every such Treasurer shall be and remain in full force and effect for the term of *Two Years* next after the date thereof, unless the sums required by such warrant to be levied shall have been received, or unless the Grand Jury of the county shall have re-presented the same.

142.
Provide that
Assessments
shall be
levied ac-
cording to
Valuations
made so soon
as they shall
be completed.

Provided, and be it Enacted, That nothing herein contained shall extend or be construed to extend to repeal an Act passed in the seventh year of the reign of his Majesty King GEORGE the Fourth, intituled, "An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes and other Divisions of Counties in Ireland, for the purpose of the more equally levying of the

the Rates and Charges upon such Baronies, Parishes and Divisions respectively," or any Act or Acts altering or amending the same, but that so soon as the list and valuation by the said Act directed to be made shall be completed and published, in form and manner therein prescribed, all County Cess charges whatsoever and all Grand Jury rate imposed or to be imposed on any county by Presentments of the Grand Jury, or to be raised off any county or any barony, parish or division thereof, and all parish rates imposed or to be imposed or levied, or to be levied under the authority of this or any other Act or Acts, shall be assessed and levied according to the proportions specified in such list and valuation so published any thing in this Act contained to the contrary notwithstanding.

And be it Enacted, That every person authorized to collect and receive Grand Jury Cess shall, within *Ten* Days after he shall have received the Treasurer's warrant, empowering him to collect and receive the same, deliver or send to the Seneschal or Churchwardens of each manor, parish or denomination of land contained in such warrant, or in case there be no Seneschal or Churchwarden of the same, then to any principal residing inhabitant, if he shall be required so to do by any Two Landholders of any such manor, parish or denomination of land, or, if he shall deem it necessary so to do, an account in writing, signed by himself, of the sum he is required by the said warrant to levy upon the said manor, parish or denomination, and to desire that the said sum may be applotted thereon; and every person who shall receive such account is hereby required, under the penalty of *Ten* Pounds, to be recovered by Civil Bill by any person who shall sue for the same, to post up within *Six* Days after the receipt thereof on the door of the church, or the usual place for posting notices in said manor, parish or denomination, a notice signed by himself, setting forth that the Landholders and Inhabitants of [here insert name of manor, &c.] are hereby required to meet at [place of meeting] on the [here insert a day not less than *Ten* Days or more than *Twenty* from the date of such notice], to choose Two or more persons to applot the sum of [here insert the sum] required to be levied upon such manor, parish or denomination, by the warrant of the Treasurer of the county; and at such meeting the Landholders and Inhabitants then present shall choose Two or more persons to be Applotters; and the person so chosen shall, within *Thirty* Days from the time they shall be so chosen, applot the sum so to be levied upon such manor, parish or denomination fairly and justly, according to the relative annual value of the several subdivisions of the lands and tenements therein contained, stating as accurately as they can the name of the occupier of each portion of such lands, and shall make oath before any Justice of the Peace for such county, that they have made the said applotment justly, according to the best of their skill, without favour, affection or

143.
Mode of
obtaining
new Applot-
ment when
the old
objected to.

Notice of
Meeting of
Inhabitants.

Applotters
chosen.

Affidavit of
justness of
Applotment.

Collector to
levy accord-
ingly.

144.
Grand Jury
Cess to be
levied by
Distress and
Sale.

If no Distress
on Premises,
complaint to
Justice.

Party sum-
moned.

In default of
appearance,
Goods of
Party may be
distrained in
any part of
County.

malice, the jurat of which oath shall be endorsed on the applotment, and such Applotters shall deliver such applotment so verified upon oath to the person empowered to collect such Grand Jury Cess, under the penalty of forfeiting for every day they shall omit to deliver the same after the said *Thirty Days* the sum of *Ten Shillings*, to be recovered 5
by Civil Bill by any person who shall sue for the same; and the Collector, on receiving such full and sufficient applotment, is hereby required and authorized to levy the said money according thereto; and in case no full and sufficient applotment shall be returned within *Thirty-six Days* after the time fixed for the appointment of the 10
Applotters, then in such case it shall be lawful for such Collector to levy the full sum required by the Treasurer's warrant off such manor, parish or denomination, according to the last previous applotment of such manor, parish or denomination, or according to the rate or applotment pursuant to which it was paid or levied. 15

And be it Enacted, That every person duly authorized to collect and levy any Grand Jury Cess off any barony, county of a city or county of a town, as soon as he shall have received the applotment of such Cess, shall collect and levy the same according to such applotment, and such money may be levied by distress and sale of any goods and chattels 20
of every person refusing to pay the proportion therein applotted for him or her to pay, which may be found on the premises chargeable, rendering to the owner the overplus, if any, after deducting the expenses of distraining, not exceeding *Twelve-pence* in the pound on the sum for which such distress may have been made or in case the Collector 25
shall not think it expedient to proceed by distress, then and in such case such Collector shall leave at the dwelling-house of the party chargeable, for or in respect of such premises, a notice bearing date the day and year of serving the same, subscribed with the name and abode of such Collector, requiring payment of the sum applotted within *Six* 30
Days from the date of such notice, and expressing that within *Six Days* the money demanded may be paid to the Collector at his house or office, and if such money be not so paid within such time, then it shall be lawful for such Collector to prefer a complaint to any Justice of the 35
Peace for the county in which the party may reside, and such Justice shall summon the party so complained against to appear before him and answer the said complaint, and shall at the time specified in such summons examine into the matter of such complaint on oath (which oath the Justice is hereby empowered to administer) and shall direct the payment to such Collector of such money as he shall find due and 40
payable under such applotment by the party complained against, together with a sum certain as and for such reasonable costs and charges as to such Justice shall seem meet; and in default of the appearance of such party, or upon his or her refusal or neglect forthwith to pay the sum or sums so by such Justice directed to be paid, it shall and may be 45
lawful for such Justice, or for any Justice of the Peace for such county,

to

to issue his warrant authorizing and empowering the said Collector to levy the money thereby ordered to be paid by distress and sale of any goods or chattels of the party so complained against which may be found within any part of such county, rendering the overplus, if any, to him or
 5 her, the necessary charges and expenses of distraining being thereout first deducted, as directed by such Justice; and if sufficient distress cannot be found within the same county, then on oath thereof made before any Justice of the Peace of any other county in which any of the goods and chattels of such party shall be found (which oath such Justice shall
 10 administer and certify by indorsing in his handwriting his name on the warrant granted to make such distress), the goods or chattels of such party so refusing or neglecting to pay as aforesaid shall be subject and liable to such distress and sale in such other county where the same may be found, and may by virtue of such warrant and certificate be dis-
 15 trained and sold in the same manner as if the same had been found within such first-mentioned county.

Or in any other County, upon Oath before Justice of such County.

And be it Enacted, That the sum or proportion of Grand Jury Cess to be raised off each barony or county of a city or town under the Treasurer's warrant duly applotted for any person to pay, shall be a
 20 charge upon the lands and premises mentioned in such warrant and applotment, and shall be paid and payable by the person or persons occupying the premises respectively at the time such Cess is levied thereout, although such person or persons did not occupy the same at the time such Cess was imposed; and when the sum payable by any
 25 person or persons does not exceed Pounds may be sued for by Civil Bill in the name of the Collector before the Assistant Barrister having jurisdiction to hear and determine causes by Civil Bill in the county, place or district in which the person liable to pay the sum resides.

145.
Grand Jury Cess shall be paid by Person in t occupation of the Lands and Premises at the time of levy.

30 And be it Enacted, That it shall be lawful for the Treasurer of any county for the time being to effect a policy or policies of insurance against fire on any public building or other public property which he shall be directed by the Grand Jury to insure, and for such sum as he shall be so directed; and such policy shall vest in the Treasurer for the
 35 time being, and the sum thereby secured shall be payable to him as part of the public fund of such county, and shall be applied to public purposes from time to time as the Grand Jury shall direct by any Presentment sanctioned and approved of by the Judges of Assize at the Assizes at which such Presentment may be made; and the Grand Jury shall have
 40 the power, without any previous application at the Sessions, and are hereby required to present, to be levied off the county at large, the premium and other charges payable on such policy and for continuing the same, and the Treasurer shall from time to time pay such premium.

146.

147.
Drivers to
keep the left
side of the
Road.

Penalties
upon Of-
fenders.

And be it Enacted, That the drivers of every kind and species of vehicle, and all persons riding or driving any animal or animals laden or unladen on any road or in any street of any city or town in Ireland, shall keep their left hand side of the road or street in going and coming thereon, leaving the other side free to all other passengers; and when they may have occasion to pass any other persons going in the same direction with themselves, shall in all cases where it is practicable take and go on the right hand of such persons; and if any person shall wilfully refuse or neglect to drive or pass in manner aforesaid, it shall and may be lawful for any Magistrate, Constable or Turnpike Keeper to stop and detain such offender, and the vehicle and animal or animals on which or with which such offender shall be, and forthwith to carry or convey such offender before any Justice of the Peace for the county where such offence shall be committed, or for any person whatsoever to lodge information against such offender before any such Justice, and upon being convicted thereof upon the oath of *One* credible Witness, every such person so offending shall forfeit and pay any sum not exceeding *Ten* Shillings, to be levied by distress and sale of goods and chattels of such offender, or by distress and sale of the carriage and horse or horses or other beasts, and the goods therein or thereon where- with such offender shall have been travelling at the time of such offence, such distress to be made under the hand and seal of such Justice, rendering the overplus (if any) after deducting the said fine and expenses of such distress and sale to the owner or owners on demand, *One-half* of the amount of the penalties so levied to be paid to the Informer, and the remaining *Half* to the Minister or Curate of the parish in which such offence shall be committed, for the use of the poor of such parish; and if distress sufficient for such penalty or penalties shall not have been seized or found, it shall and may be lawful for such Justice, and he is hereby empowered and required to commit such offender so convicted to the common Gaol for any time not exceeding *One* calendar Month, unless such offender shall sooner pay and satisfy the said penalty or penalties; and every person offending as aforesaid shall likewise be liable to pay and satisfy the damages which shall happen in consequence of any such neglect or default as aforesaid.

148.
No House
to be built
within Thirty
Feet of the
centre of any
Road.

No Lime-
kiln shall be
built within
One hundred

And be it Enacted, That no house or part of a house shall be built within *Thirty* Feet of the centre of any road, or within *Fifteen* Feet of the side thereof (except in the streets of corporate or market towns); and that if any person shall offend herein, every such person shall upon conviction before any Justice of the Peace forfeit and pay the sum of *Ten* Pounds, and the further sum of *Twenty* Shillings for every week after such conviction until the same shall be pulled down or removed; and no limekiln or windmill shall be built within Feet of the centre of any public road; and it shall be

be lawful for any Justices at a General Sessions of the Peace to direct any house, limekiln or windmill built or building contrary to this Act to be pulled down, and to issue their orders to any Constable or Constables for that purpose, which order every chief and other Constable shall aid and assist in executing; and the centre of the road for the purposes of this Act shall be deemed to be the centre of the part thereof made with gravel or small stones.

Feet of the
centre of any
public Road.

And be it Enacted, That it shall be lawful for any person whatsoever to seize and impound, or cause to be seized or impounded, any swine or beast which shall be found wandering upon any public road, or about the streets or passages of any town; and it shall be lawful for any Justice of the Peace to fine the owner of such swine or beast any sum not exceeding *Five Shillings*, and in case such penalty and the expenses of impounding and detaining the same shall not be paid within *Four Days* after impounding the same, to cause such swine or beast to be sold, and out of the money arising from the sale thereof to pay such penalty and expenses of impounding, keeping and selling the same, rendering the overplus (if any) to the owner, due notice having been previously given of such sale, in which shall be inserted the name of the parish and townland where such swine or beast was seized, which notice shall be posted up in some conspicuous place in the parish where such beast was seized, and at the place where impounded, *Forty-eight Hours* at the least before the time of sale.

149.
Swine wan-
dering on
Roads may
be seized and
impounded,
and Owner
fined, &c.

Notice of
Seizure to be
posted.

And be it Enacted, That if any person shall scour, deepen, widen or fill up any ditch or drain on the side of any road without the consent or direction of the County Surveyor, or if the owner or occupier of any lands contiguous to any public road shall omit to scour any ditch or drain leading from such road, so as to allow the water to pass away within *Ten Days* after notice shall be given to him or her so to do by such Surveyor or by the Contractor for the repairs of such road; or shall suffer the passage of the water to be obstructed by making or leaving any way or passage from any road into the lands adjoining to his or her house, without a sufficient pipe, sewer or gullet underneath it; or if any person shall ride or drive any horse, beast or cattle of any description willingly and unnecessarily on any footpath; or shall steep or dry any flax, or burn any bricks or lime, or any weeds or vegetables for ashes, upon any public road, or within

150.
Persons
scouring or
filling
Ditches with-
out consent
of Surveyor,
or Owners
who do not
scour Ditches
or Drains
within Ten
Days after
Notice, or
Persons who
ride or drive
unnecessarily
on Footpath,
or shall leave
obstructions
or nuisances
on any Road;

Feet of the centre of any such public road; or shall make any kind of fire upon any public road; or shall cut any turf or make any turf stack on any public road, or within *Thirty Feet* of the centre thereof; or build any wall, or make any ditch, or dig any pit or drain on any public road, or within

Feet of the centre thereof, unless by authority of a Presentment; or shall lay any dirt, dung, turf, straw, rubbish or scourings of any ditches or drains, or any stones, bricks, timber, sand,

	clay or lime on any public road, or within	Feet of the	
	centre thereof; or shall leave on any public road any plough or har-		
	row, or any cart, car, dray or other carriage, without the horse or		
	horses or other beast or beasts being harnessed thereto, unless such		
	carriage shall have been accidentally broken down there; or shall	5	
	spread any linen, blanket or cloth for winnowing corn within		
	Feet of the centre of any public road; or shall leave any dead beast		
	on any road, or within	Feet of the centre thereof, unless in a	
		house or yard inclosed with walls; or shall beat any flax, or winnow	
		any corn, or erect any may-pole or may-bush or sign-post on any road;	10
		or shall keep any cur dog, mastiff or bull dog, without having a block	
		of wood of the weight of <i>Five Pounds</i> at the least fastened to the	
		neck of such dog, within <i>Fifty Yards</i> of any public road; or shall,	
or without		without the consent of such Surveyor or Contractor, scrape any public	15
consent of		road, or cut any sods or turf on the side of any such road, or take any	
Surveyor or		earth, clay, stone or gravel therefrom; or shall lead or drive any car	
Contractor		or carriage with timber, boards or iron laid across, so as that either	
shall scrape		end shall project	
any public		Feet beyond the wheels or sides thereof;	
Road.		or shall draw any timber or stones along any part of a public road,	
		without being supported by wheels from touching the same; every	20
		person so offending shall, upon conviction by oath of <i>One</i> credible	
		Witness, before any Justice of the Peace within his jurisdiction, or	
		upon the view of any Justice, forfeit and pay a sum not exceeding	
		<i>Twenty Shillings</i> for every such offence; and it shall be lawful for any	
		such Surveyor or Contractor to fill up any ditch or drain which shall	25
		be scoured, deepened or widened; or to scour any drains which have	
		been filled on the side of any road without such direction or consent,	
		and to scour or deepen any drain or ditch leading from any road which	
		shall be omitted to be scoured or deepened after such notice as afore-	30
		said, and to remove any way or passage from any road into any adjoin-	
		ing land, or to any house which may obstruct the free passage of the	
		water, and to remake the same by building a gutter, sewer or arch	
		therein; and it shall be lawful for any such Surveyor, or for any other	
		person, by the order of any Justice of the Peace, to remove any bricks	35
		or weeds or vegetables for making ashes, or other materials which	
		shall be burning, or any flax which shall be steeped or drying con-	
		trary to the provisions of this Act; and to pull down any sign-post,	
		may-pole or may-bush; and to pull down or fill up and level any wall,	
		drain or ditch which shall be built or made, or begun to be built or	40
		made, contrary to this Act; and to remove the carcase of any dead	
		beast which shall remain in or near any public road contrary to this	
		Act; and to levy the expense of so doing by distress and sale of the	
		goods of the offender, or of the occupier of the lands adjoining the	
		place where such nuisance shall be committed, rendering the overplus	
		(if any) to the owner, after deducting the sum of <i>One Shilling</i> in the	45
		pound for the expense and trouble of taking such distress.	

Provided,

Provided, and be it Enacted, That nothing hereinbefore contained shall render any County Surveyor, or any Contractor for any public work under this Act, liable to any penalty for any act done or performed by the said Surveyor, or in the discharge of the duties of his office, or by any such Contractor in the due and necessary execution or performance of his contract; but if any such Surveyor or Contractor shall lay or cause to be laid any heap of stones, gravel, rubbish or other matter whatever upon any public road, and allow the same to remain there at night, to the danger or personal damage of any person passing thereon, all due and reasonable precaution not having been taken by the said Surveyor or Contractor to prevent any such danger or damage, such Surveyor or Contractor shall forfeit for every such offence any sum not exceeding *Forty* Shillings.

151.
Surveyors,
&c. not liable
to Penalties
for Acts done
in the dis-
charge of
their office.

Fineable in
certain cases.

And be it Enacted, That if any County Surveyor or Contractor for the repairing of any public road in any county shall think that such road is prejudiced by the shade of any hedges or trees (except those planted for ornament or shelter of any dwelling-house, court-yard, or garden), or if any obstruction is caused in any public road by any hedge or tree, it shall be lawful for such Surveyor or Contractor, and they are hereby each or either of them authorized to require the owner of the land on which such hedges or trees are growing, to cause such hedges to be cut or plashed, or such trees to be pruned or lopped, so as that such road may not be prejudiced or obstructed by the same; and if such owner shall not comply with such request within *Ten* Days, it shall and may be lawful for such Surveyor or Contractor, and they are hereby respectively authorized and required to summon such owner before the Justices assembled at any Petty Sessions for such county, to show cause why he has not complied with such request; and if such Justices shall order and direct that such hedges shall be cut or plashed, or such trees pruned or lopped, and if the said owner shall not obey such order within *Ten* Days after the making of the same, it shall and may be lawful for such Surveyor or Contractor to cut or plash such hedges, or to prune or lop such trees for the benefit and improvement of such road, and to remove such obstruction as aforesaid, to the best of their skill and judgment; and the said Surveyor or Contractor shall be reimbursed by the said owner what charges and expenses he shall be at in cutting or plashing such hedges, or pruning or lopping such trees; and it shall be lawful for such Justices at Petty Sessions as aforesaid to direct such charges and expenses to be levied by distress and sale of the goods and chattels of such owner, in such manner as other distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act: Provided always, That no person shall be compelled, nor any such Surveyor or Contractor permitted, to cut or prune any hedge at any other time than between the last day of *September* and the last day of *March*.

152.
Surveyor or
Contractor
may require
Owners of
Land to
prune Hedges
or Trees in-
juring Roads.

Owners not
complying to
be summoned
before Jus-
tices at Petty
Sessions.

Justices may
order Hedges
or Trees to
be pruned by
Owner;

on refusal of
Owner, Sur-
veyor or Con-
tractor may
prune, &c.

Expenses to
be paid by
Owner.

May be levied
by Distress
and Sale, &c.

Proviso.

153.

Power of
Surveyors
and Con-
tractors to
dig for Mate-
rials ;

and to make
Drains.

Satisfaction
for Damage
to be assessed
by Three
Householders
upon Oath.

And be it Enacted, That every County Surveyor and every Contractor for any work to be executed by Grand Jury Presentment shall have power and authority to dig for, raise and carry away in or out of any lands not being a deer park, bleach green, orchard, walled garden, haggard or yard, or planted walk, lawn or avenue to a mansion house, any gravel, stones, sand or other materials, whether the same be found in the same or any adjoining county, which may be wanted for the building, rebuilding, enlarging or repairing any bridge, arch, gullet, pipe or wall, or for the making, repairing or preserving any road or footpath ; and such Surveyor or Contractor is hereby further empowered to make drains in order to carry off water which might injure any bridge, gullet, arch, pipe, wall or road, in or through any lands not being a deer park, bleach green, orchard, walled garden, haggard or yard, or planted walk, lawn or avenue to a mansion house, and shall make such satisfaction for the damage done thereby, or by taking any such materials as aforesaid, as shall be assessed by *Three* substantial Householders, which Householders shall view the ground immediately previous to and immediately after such damages shall be committed, one of such Householders to be named by the owner or occupier of the land, and another by the Surveyor or Contractor, and the third by any neighbouring Justice of the Peace ; and in case any Surveyor or Contractor shall refuse, on after *Four Days'* notice in writing from such Landholder neglect to name a Householder on his part, then one shall be named for him by such Justice, and such *Three* Householders shall be sworn by such Justice of the Peace (previous to the damage being committed) in the form of oath marked (D.) in the Schedule (Z.) to this Act annexed, to be Appraisers of such damages as may occur, and to make a true estimate thereof, in which estimate the value of any stones, gravel or other materials shall not be included, but only the waste committed by breaking the surface and making a passage through the land, unless where such stones, gravel or materials shall be taken from any quarries and gravel pits bonâ fide demised with liberty to work the same : Provided nevertheless, That it shall not be lawful for any such Contractor or Surveyor to enter any lands for any such purpose against the will of the occupiers thereof without the previous order of a Justice of the Peace, which order any such Justice is hereby authorized and required to grant, on its being proved to his satisfaction that the gravel, stones or other materials sought cannot be conveniently procured elsewhere, nor such drain otherwise sufficiently made or cleansed.

40

154.

Materials not
to be taken
to the injury
of any Road
or Building.

And be it Enacted, That it shall not be lawful for any such Surveyor or Contractor to dig, raise and carry away any gravel, stones, sand or other materials from the side of any public road, or from any beach or sea shore, whereby a public road or bulwark or defence to any building, or any land adjoining any road may be injured ; and that

any

any person who shall be convicted thereof, on the oath of *One* or more credible Witnesses before any Justice of the Peace, shall for every such offence forfeit and pay a sum not exceeding *Five* Shillings for every cart load of such gravel, stones, sand or other materials so dug, raised or carried away, to be levied by warrant of distress under the hand and seal of such Justice off the goods and chattels of such offender.

Penalties.

And be it Enacted, That if any person shall wilfully prevent, assault, or threaten to assault any Surveyor or Contractor in the execution of his duty, or any person or persons employed by proper authority in surveying or measuring, or laying out any line intended for a new road; or if any person shall wilfully destroy, pull up, deface or injure any mile-stone, mile-post or direction-post, or any bridge, battlement, wall, railing, mound or fence, erected or repaired by Presentment, or shall wilfully break, deface, pull down or take away stones out of any such battlement, wall, mound or fence, or out of any court-house, gaol, house of correction, pier or other buildings, or out of any bridge, pipe, arch or gullet built or repaired by Presentment, every person so offending shall forfeit and pay for every such offence, upon conviction by the oath of *One* credible Witness before any *Two* Justices of the Peace at Petty Sessions, such sum not exceeding *Ten* Pounds, as the said Justices shall think fit; and in case the same shall not be paid, such Justices are hereby empowered and required to commit such offender to any gaol, bridewell or house of correction for any time not exceeding *Three* Months, or until the said forfeiture shall be paid.

155.
Penalty for
assaulting
Surveyors or
Contractors,
or for injuring
Public Works.

And be it Enacted, That every person who shall require any Presentment for fees, poundages, salary or other contingency or payment whatsoever, for which Grand Juries are authorized by the provisions of this Act to make Presentments without previous application to Presentment Sessions, shall lodge an application for the same, with a full detail of the particulars and amount thereof, with the Secretary of each Grand Jury *Six* clear Days at the least previous to the day appointed for impannelling such Grand Jury; and such Secretary shall insert an Abstract of such applications at the foot of the proper Schedule which he is required to deliver to the Foreman of the Grand Jury, and also at the foot of the copy which he is required to keep in his office for the inspection of the public: Provided always, That such Presentments for fees, poundage or other contingencies or payments, the particulars and amount whereof cannot be ascertained so as to allow of their being specified when the application therefor shall be lodged with the said Secretary at the time aforesaid, may be made by the Grand Jury, although such particulars and amount shall not have been so specified.

156.
Applications
relating to
Salaries and
Contingen-
cies to be
lodged with
the Secre-
tary.

157.

The County
and County
of City of
Dublin Grand
Juries to
transact fiscal
business in
certain Places.

And be it Enacted, That from and after the *commencement of this Act* the Grand Juries of the county, and of the county of the city of Dublin respectively, on the day or days severally appointed by the Sheriffs of the said counties, previous to each Presenting Term, as hereinbefore directed, shall be impannelled and sworn by and before the said Sheriffs respectively, and shall transact the fiscal business of their several counties before the first day of each Presenting Term in open Court, in the following places; the Grand Jury of the county of Dublin at , and the Grand Jury of the county of the city of Dublin at : And it shall not be lawful for any Grand Jury, at any Quarter Sessions in Ireland, to make any Presentment for any public work or for raising any money whatsoever, any Act or Acts now in force in Ireland to the contrary in anywise notwithstanding.

No Present
ment to be
made by
Grand Juries
at Quarter
Sessions in
Dublin.

158.

No Stamp
Duty upon
Contracts and
Recogni-
zances under
this Act.

And be it Enacted, That no contract for any public work under the provisions of this Act, or any recognizance to be entered into for the execution of the same by virtue of this Act, shall be liable or subject to any Stamp Duty imposed by any Act or Acts passed or to be passed, unless specially mentioned therein; and whenever the amount of any such contract, or the sum for which any such recognizance shall be conditioned, shall not exceed the sum of it shall be lawful to proceed against any such Contractor, or his sureties, for such sum, or for damages for the breach of any such contract, by Civil Bill before the Assistant Barrister, at the Quarter Sessions for the county where such work shall be situate, or in the county or city of Dublin, before the Chairman of Kilmainham or the Recorder of the city of Dublin respectively; and the said Assistant Barrister, Chairman and Recorder shall have full power to hold plea thereof, and the same shall and may be proceeded on in like manner in all respects, and the like decree or judgment and execution shall and may be had thereon, and also the like benefit of appeal, and of proceedings, judgment and execution thereon, as in case of any other sum or demand which may now by law be had or used before such Judge.

Proceedings
for breach of
Contract be-
fore Assistant
Barrister
under certain
amount.

159.

Forfeitures
to be levied
by Distress
and Sale, and
if not other-
wise directed,
divided be-
tween Infor-
mers and
Poor, as here-
in.

And be it Enacted, That all fines and forfeitures inflicted by virtue of this Act, if not immediately paid, shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of a Justice of the Peace, together with all expenses attending the levying the same; and all such fines, unless otherwise specially directed by this Act, shall, when levied and paid, be given *One-half* to the informer, and the other *Half* to the poor of the parish wherein the offence shall have been committed; and in case any fine be not immediately paid upon conviction, it shall be lawful for the Justice of the Peace before whom such conviction shall have been made, to commit the offender to gaol for any time not exceeding *Two Months*, or until the fine be paid.

And

And be it Enacted, That when any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers ab initio on account of any subsequent irregularity on the part of the party or parties distraining; but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damages in any action on the case.

160.
The Party distraining not to be a Trespasser in consequence of irregularity.

And be it Enacted, That if any person shall be sued, molested or troubled for putting into execution any of the powers contained in this Act, or for doing any act, matter or thing pursuant thereto, such person shall and may plead the General Issue, and give the special matter in evidence, and may avow the taking any distress on the acting Treasurer and Justice's warrant merely, without going into other title or authority; and if the plaintiff or plaintiffs shall be nonsuited, and judgment given against him, her or them, upon demurrer or otherwise, or a verdict pass for the defendant or defendants, or a dismiss upon a Civil Bill, such defendant or defendants shall have his, her or their *treble* costs, to be recovered by such method and manner whereby law costs are given to defendants; and that the solemn affirmation or declaration of a Quaker shall be adjudged and taken to be of the same force and effect to all intents and purposes, in any case where by this Act an oath is required to be taken, as if such Quaker had taken an oath in the form prescribed, or in the usual forms.

161.
General Issue may be pleaded.

And be it Enacted, That it shall not be lawful for any Justice of the Peace, or any other person, to demand or take any sum of money or any reward for swearing any affidavit to be made by virtue of this Act; and if any person shall wilfully swear or affirm, or declare falsely in any oath or affirmation or declaration made or taken by authority or under any of the provisions of this Act, every such person being thereof convicted shall be adjudged guilty of wilful and corrupt *Perjury*, and incur the pains and penalties in such case by law provided; and it shall and may be lawful for any Grand Jury, without any previous application to Presentment Sessions, to make such Presentments for defraying the prosecution of such delinquent as to them may seem fitting and expedient.

162.
Justices not to take Money for Affidavits.

False swearing punishable as Perjury.

And be it Enacted, That all weights and measures mentioned in this Act, or used under any of the provisions thereof, or referred to in any Presentment, shall be the weights and measures fixed and ordained by an Act passed in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for ascertaining and establishing

163.
Weights and Measures.

establishing uniformity of Weights and Measures," and by an Act passed in the fifth and sixth year of His present Majesty, intituled, "An Act to repeal an Act of the fourth and fifth year of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof," any law, usage or custom to the contrary notwithstanding.

164.
Money to be
the present
Currency.

Schedules
part of the
Act.

And be it Enacted, That the several sums of money in this Act mentioned shall be deemed to be the present lawful money of Great Britain and Ireland, and the Schedules annexed to this Act shall be deemed and taken to be part thereof, and the forms therein contained shall be made use of in all cases to which such forms shall be applicable: Provided always, That it shall and may be lawful to erase or alter any words in such forms so as to make them applicable to any particular case without materially altering the substance, but no further.

165.
Baronies, &c.
may be
divided.

And be it further Enacted, That it shall and may be lawful for the Grand Jury of any county, by Presentment, to divide any barony or half barony thereof into one or more subdivisions, each whereof shall for the purposes of this Act, and for all purposes relating to the presenting, raising and levying of money for any matter or thing for which Presentment may be lawfully made by Grand Juries, be deemed and taken to be a barony or half barony, as such Grand Jury shall present the same.

166.
Money heretofore paid to Collector of Excise to be disposed of under direction of the Treasury.

And be it further Enacted, That in all cases where by this or any Act or Acts now in force in Ireland the Treasurer of any county may be authorized or required to pay any money to any Collector of Excise or other person, to be by him accounted for as public money, the same shall, from and after the *passing of this Act*, be paid and payable to such bank or person and in such manner as the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any *Three* of them, shall from time to time think fit to direct and appoint.

167.
If Grand Jury refuse or neglect to present Money which ought to be presented to repay Monies advanced out of the Consolidated Fund, the Court shall make an Order which shall have the form of a Presentment.

And be it Enacted, That in case the Grand Jury at any Assizes shall neglect or refuse duly to present any money, which under the provisions of this Act, or of any Act now in force in Ireland, or of any Act passed or to be passed in this present Session of Parliament, such Grand Jury may be required to present at such Assizes, upon the Certificate of the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors of Ireland, or otherwise for the purpose of reimbursing or replacing any monies issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the Court shall make an order directing the sum or sums which ought to

to have been so presented to be raised and levied, as if the same had been so presented, and such order shall have the force and effect of a Presentment, and the Treasurer of the county shall insert the sum mentioned in such order in his warrant, and the same shall be applotted, raised and levied and applied in like manner to all intents and purposes as if the same had been duly presented by such Grand Jury.

And be it Enacted, That nothing herein contained shall be construed to affect or limit the powers of any Grand Jury in Ireland to present for the repayment of advances made under and by virtue of an Act passed in the fifth and sixth years of His present Majesty's reign, intituled, "An Act for the better Preservation and more speedy Punishment of Offences endangering the Public Peace in Ireland;" and the Presentments authorized to be made by the said last-recited Act may be made without previous application to Presentment Sessions.

168.
Saving.

And be it Enacted, That this Act shall commence and take effect from and after the

and not sooner: Provided always, That all Presentments and contracts made, or money to be levied, accounted for or paid, under or in consequence of any Act or Acts in force in Ireland before the *commencement of this Act*, shall be levied, accounted for and paid in manner provided by the said former Act or Acts, and subject to the rules, regulations and provisions therein contained: And provided also, That nothing herein contained shall be construed to effect, alter or abridge the powers, duties and liabilities of any Overseer, Contractor or other person vested in or exercised by him or them under the provisions of the said former Act or Acts, as far as respects the completion of any work or works so presented and begun and entered upon at any time before the *commencement of this Act*.

169.
Commencement of Act.

Presentments made before commencement of this Act to be accounted for under former Acts.

And be it Enacted, That this Act shall extend only to that part of the United Kingdom called Ireland.

170.
Act to extend only to Ireland.

And be it Enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

171.
Act may be altered.

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (Z.)—FORM (A.)

I, A. B. of [here insert the name and place of abode of the Justice taking this Declaration], do declare, That I am seised of a freehold estate [or, estates] in fee simple [or, in fee tail, or as tenant for life], in possession of the annual value of *Three hundred* Pounds, situate in the county of [insert the name of the county for which the Presentment Sessions is holden]; [or, that I am heir apparent to C. D. who is seised of such estate in fee simple or fee tail]; [or, that I am seised of a leasehold estate for life, or, possessed of a term of years whereof not less than *Fourteen* Years are unexpired, situate in the county of [stating as aforesaid], of the annual value of *Five hundred* Pounds]; [or, that I am seised of a leasehold estate [or, estates] for life, and am possessed of a leasehold estate [or, estates] for a term of years as aforesaid, which, together with such estate [or, estates] for life, are of the annual value of *Five hundred* Pounds, and that such estates are situate in the county of [stating as aforesaid], and that the said estate or estates is or are bonâ fide my property, and not holden in trust; [or, that I am a Justice of the Peace of the city and liberty, county of the city, county of the town, or city and county of [stating as aforesaid], by virtue of the charter or charters incorporating the same]; [or, that I am an Alderman of the city or town of _____ in [stating as aforesaid]; [or, that I am agent of E. F. &c. _____ the owner or owners of an estate [or, estates] in the county of [stating as aforesaid], of the annual value of *Six thousand* Pounds at least, and that I am a Justice of the Peace of the same county, and that I really and bonâ fide reside therein, and that I will truly, faithfully and impartially do and perform all such acts, matters and things as I am authorized to do and perform by and under the provisions of an Act passed in the _____ year of the reign of His Majesty King WILLIAM the Fourth, intituled [here set out the title of this Act], and that I will, without favour, affection, hatred or malice or ill-will, diligently inquire into and impartially and honestly judge and determine, according to the evidence and to the best of my judgment and ability, upon the several applications and other matters which may be brought before me under the authority of the said Act.

Witness my hand

SCHEDULE

SCHEDULE (Z.)—FORM (B.)

I, A. B. of [here insert the name and place of abode of the Cess Payer taking this Declaration], do declare, That I will truly, faithfully and impartially do and perform all such acts, matters and things as I am authorized to do and perform by and under the provisions of an Act passed in the _____ year of the reign of His Majesty King WILLIAM the Fourth, intituled [here set out the title of this Act], and that I will, without favour, affection, hatred or malice or ill-will, diligently inquire into and impartially and honestly judge and determine, according to the evidence and to the best of my judgment and ability, upon the several applications and other matters which may be brought before me under the authority of the said Act.

Witness my hand

SCHEDULE (Z.)—FORM (C.)

You shall diligently inquire, on behalf of the county [or, county of city, county of town, or city and county], of _____ and true Presentment make of all such matters and things as shall be lawfully given to you in charge, or as shall come before you in anywise relating to the raising of any money upon the said county [or, county of city, county of town, or city and county,] of _____ or upon any barony, half barony or parish therein, or relating to the expenditure of any such money; you shall not present, nor allow nor disallow, any matter or thing through hatred, malice or ill-will, nor through fear, favour or affection. So help you GOD.

SCHEDULE (X.)—FORM (A.)

FORM of APPLICATION for making a new LINE of ROAD.

County of } WE _____ of _____ and
 } _____ of _____ do certify,
 That in our opinion it would be useful to make a new Line of Road from _____ to _____ between _____ and _____, and that such new Line of Road is Perches in length, and that said Perches are in the townland [or, townlands] of _____ in the barony [or, baronies] of _____ in this county, and we propose that Presentment for such purpose be made under and by virtue of section of the _____ chapter of [here set out the reign], being an Act for [here set out the title of this Act], and that the expense of the same, shall be defrayed by the county at large [or, barony, or half barony or baronies of _____].

(signed) A. B.
 C. D.

SCHEDULE (X.)—FORM (B.)

FORM of APPLICATION for the REPAIRS of ROADS.

County of } WE,
 } of and
 } do certify,
That we have lately viewed and measured Perches of the
road from to between
and and that the said Perches are in
the townland [or, townlands] of all in the barony
of in this county; and that the same are in need
of repair; and we propose that the expense of the aforesaid repairs
shall be defrayed by the county at large [or, barony, or, half barony
of], and that Presentment for such purpose may
be made under and by virtue of the section of the
chapter of [here set out the reign], being an Act for [here set out the
title of this Act].

(signed) A. B.
 C. D.

SCHEDULE (X.)—FORM (C.)

FORM of APPLICATION for widening ROADS and making FENCES, instead of those to be taken away.

County of } We,
 } of
and measured of and
to between and in the
townland [or, townlands] of all in the barony
[or, half barony] of in this county, and that
every of the same is Feet wide, and no more,
in the clear, within the fences; and we are of opinion that it would
be useful to the public using such road to widen the same so as to
make that part of the road Feet wide in the clear, and safe
and level throughout the whole of the said width, and to make new
fences instead of those which shall be taken down or destroyed in
order to widen the same; and we propose that the expense of widen-
ing and repairing the same shall be defrayed by the county at large
[or, barony, or, half barony of], and that Presentment
for such purpose may be made under and by virtue of the
section of the chapter of [here set out the reign], being
an Act for [here set out the title of this Act.]

(signed) A. B.
 C. D.

SCHEDULE (X.)—FORM (D.)

FORM of APPLICATION for making or repairing FOOTPATHS.

County of } W^E, of and
 } of do certify.

That in our opinion it is necessary to make [or, repair]

Perches of footpath on the road from

to between and all in
the barony of in this county; and we propose that the

expense of the aforesaid work shall be defrayed by the county at large [or, barony, or, half barony of _____], and that Present-

ment for such purpose may be made under and by virtue of the
section of the chapter of [here set out the reign].

being an Act for [here set out the title of this Act.]

(signed) A. B.

C. D.

SCHEDULE (X.)—FORM (E.)

FORM of APPLICATION for PRESENTMENTS to fill GRIPS or TRENCHES on
the SIDES of the ROAD, and making sufficient FENCES instead thereof.

County of } W^E, of and
 } of do certify, That we have measured

Perches of the road from to

between and all in the barony of in

this county, where there are	Perches of	immediately
adjoining the said road, of the average breadth of		and depth

of which are open and dangerous for passengers and travellers, and that it is necessary for the safety and security of the

public frequenting such road to fill up the same, and to make a sufficient fence instead thereof; and we propose that the expense of the

aforesaid work shall be defrayed by the county at large [or, barony, or, half barony of _____], and that Presentment for such purpose

may be made under and by virtue of the [here set out] section of the
chapter of [here set out the reign], being an Act for [here set out the

title of this Act.]

(signed) A. B.

C. D.

SCHEDULE (X.)—FORM (F.)

FORM of APPLICATION for filling DIKES or HOLES on the
SIDES of ROADS.

County of } WE,
 } of and
 } do hereby certify, That it is necessary for
the security of travellers to fill up the dikes [or, holes] immediately
adjoining Perches of the road from to
 between and all in the barony
of in this county; and we propose that the expense of the
said work shall be defrayed by the county at large [or, the barony, or
half barony of], and that Presentment for such purpose
may be made under and by virtue of the section of
the chapter of [here set out the reign], being an Act for
[here set out the title of this Act.]

(signed) A. B.
 C. D.

SCHEDULE (X.)—FORM (G.)

FORM of APPLICATION for lowering a HILL or filling a HOLLOW,
or both, &c. &c.

County of } We,
 } of and
 }
lately viewed Perches of a road do certify, That we have
of barony of in this county, and we are of opinion
that it would be useful [here insert the work proposed]; and we pro-
pose that the expense of the aforesaid work shall be defrayed by the
county at large [or, barony, or, half barony of], and that
Presentment for such purpose may be made under and by virtue of
the section of the chapter of [here set out the
reign], being an Act for [here set out the title of this Act.]

(signed) A. B.
 C. D.

SCHEDULE (X.)—FORM (H.)

FORM of APPLICATION for ERECTING, ENLARGING or REPAIRING any
BUILDING whatsoever.

County of } We, of and
 } do certify,
That we have lately viewed and examined and that
it will be useful to [here set out the work], at in
this county; and we propose that the expense of the aforesaid work
shall be defrayed by the county at large [or, barony, or, half barony
of], and that Presentment for such purpose
may be made under and by virtue of the section of
the chapter of [here set out the reign], being an
Act for [here set out the title of this Act.]

(signed) A. B.
 C. D.

SCHEDULE (X.)—FORM (I.)

FORM of APPLICATION for PAYMENT by a CONTRACTOR for a
PUBLIC WORK.

County of } WHEREAS the sum of _____ was by virtue
 } of the _____ section of the _____ chapter of
 [here set out the reign], being an Act for [here set out the title of
 this Act], presented at _____ Assizes, in the year
 for [here set out the work contracted for], in the barony of
 in this county: And whereas I contracted for the work aforesaid:
 Now this is to certify, That I have faithfully and honestly executed the
 said work, in conformity to the Presentment for the same, and to the
 terms of the Specification of the County Surveyor, and that every part
 of the said work was finished on the _____ day of _____ and
 I hereby apply for the payment of the said sum of _____

(signed) A. B.
Contractor.

SCHEDULE (X.)—FORM (K.)

FORM of APPLICATION for PAYMENT by a CONTRACTOR for WORKS of
MAINTENANCE.

County of } WHEREAS at the Assizes in the year by
 } virtue of the section of the chapter
of [here set out the reign], being an Act for [here set out the title
of this Act], Perches of the road from
to between and in the barony
of in this county, were presented to be kept in repair
for Years by contract at the yearly sum of
And whereas I contracted for the same: Now this is to certify, That
the said Perches and every part thereof have been kept
in good and sufficient repair and condition since the commencement
of my contract, in conformity with the Presentment and the Specifica-
tion of the County Surveyor; and that the said Perches
and every part thereof are now in good and sufficient repair and con-
dition, and that the said Perches are free from
nuisances; and I hereby apply for payment of the sum of
for keeping the said Perches in repair for
Months.

(signed)

A. B.
Contractor.

SCHEDULE (S.)

TABLE of CLASSIFICATION of COUNTIES, TREASURERS' SECURITIES, and SALARIES of COUNTY OFFICERS.

	COUNTIES, CITIES AND TOWNS.							City of CORK.	City of DUBLIN.	
	CLASS I.	CLASS II.	CLASS III.	CLASS IV.	CLASS V.	CLASS VI.	County of CORK.			
	£.	£.	£.	£.	£.	£.	£.	£.	£.	
Treasurers' Securities	8,000	7,000	5,000	4,000	2,000	1,000	20,000	4,000		CLASS I. comprehends the Counties of - { Tipperary, Down, Mayo, Galway, Antrim, Tyrone, Donegal, Derry, Limerick.
SALARIES:										CLASS II. comprehends the Counties of - { Clare, Roscommon, Kerry, Armagh, Cavan, Monaghan, Meath, Dublin.
Treasurers	370	324	230	185	-	-	554	185		CLASS III. comprehends the Counties of - { Wexford, Kilkenny, Sligo, King's County, Fermanagh, Westmeath, Queen's County.
Clerks of the Crown	370	324	230	185	74	47	462	185		
Clerks of the Peace	370	324	300	277	93	42	554	230		
Secretaries to Grand Jury	203	185	140	120	37	28	324	111		
Sheriffs	93	74	56	47	24	10	111	93		
Judges' Clerks	14	12	10	10	5	3	20	10		
Criers at Sessions	19	14	12	10	10	6	28	20		
Court House Keeper in County Towns	14	14	10	10	10	10	20	20		CLASS IV. comprehends the Counties of - { Waterford, Wicklow, Louth, Longford, Leitrim, Kildare, Carlow.
Medical Officers of Prisons, viz. Physician, or Surgeon, or Apothecary: In the whole, exclusive of Bill for Medicines	74	74	65	65	56	37	74	65		CLASS V. comprehends the Cities and Towns of - { Waterford, Limerick, Kilkenny, Galway.
Number of Coroners, not exceeding -	4	3	2	2	-	-	4			CLASS VI. comprehends the Towns of - { Drogheda, Carrickfergus.

For the Clerks of the Crown in the Towns of Youghal and Kinsale, to be presented by the Grand Jury of the County of Cork, £. 24.
For the Clerks of the Peace for the Towns of Youghal and Kinsale, to be presented by the Grand Jury of the County of Cork, £. 24.

Note.—Whensoever any Clerk of the Crown for the Counties in the First Class shall execute the duty of his Office for more than one County of such Class, in every such case the Salary for such Clerk of the Crown shall, for such Counties of the First Class, be presented at £. 324 only.

Grand Juries (Ireland.)

A

B I L L

For consolidating and amending the Laws
relating to the Presentment of Public Money
by Grand Juries in Ireland.

(Prepared and brought in by
*Lord Viscount Morpeth and Mr. Attorney
General for Ireland.*)

*Ordered, by The House of Commons, to be Printed,
18 May 1836.*

GRAND JURIES BILL (IRELAND.)

AMENDMENTS

TO BE PROPOSED TO CLAUSES

By Mr. W. S. O'Brien.

Be it Enacted, That before the Spring Assizes to be holden in the year *One thousand eight hundred and Thirty-seven*, the Lord Lieutenant of Ireland shall cause each county in Ireland to be divided into parochial districts and baronial districts, such that each parochial district shall be formed either by the union or the division of existing parishes, so as to contain a population of not less than *Two thousand* persons, nor more than *Five thousand* persons, according to the census taken in pursuance of an Act passed in the first year of His present Majesty, and such that each baronial district shall be formed by the union or division of existing baronies, so as to contain a population of not less than *Fifteen thousand* persons, and not more than *Thirty thousand* persons, according to the census aforesaid; and so that each such parochial district shall lie wholly within one such baronial district; and the Lord Lieutenant shall cause to be transmitted to the several Grand Juries of the several counties of Ireland, at their first Meeting for the transaction of county business at such Spring Assizes to be holden in the year *One thousand eight hundred and Thirty-seven*, Tables, exhibiting such division, and specifying in regard of each parochial district the townlands or ploughlands, or other principal denominations, comprised in such parochial district, and in regard of each baronial district the several parochial districts comprised in such baronial district.

Amendment
to CLAUSE 3.

And be it Enacted, That at the Spring Assizes to be holden in the year *One thousand eight hundred and Thirty-seven*, the collectors of County Cess for the several baronies in each county in Ireland, shall lay before the Grand Juries of the several counties respectively, returns of all persons in each parish within their respective collections who shall have paid in the two levies of County Cess next immediately preceding such Assizes, a total sum of at least *One Pound* each; and such returns shall specify the actual amount so paid by each individual, and the townland, ploughland or portion thereof in respect of which such cess shall have been paid by each such person; and the several Grand Juries shall at such Spring Assizes in the year *One thousand eight hundred and Thirty-seven*, and the several Fiscal Boards shall at every ensuing Spring Assizes, cause Lists of such persons to be printed as the Roll of Parochial Electors for each parochial district

Amendment
to CLAUSE 4.

respectively, and shall appoint a time and place for holding an election within such parochial district, and shall name some person in each parochial district to preside and take the votes at such election, and every such election shall be held within *One Fortnight* after the termination of such Spring Assizes as aforesaid.

Amendment
to CLAUSE 6.

And be it Enacted, That the persons duly qualified to be electors for such parochial district, by having paid cess in respect of lands or tenements situated within such parochial district to the amount of at least *One Pound* in the two preceding levies as aforesaid, shall at such time and place as has been appointed as aforesaid, proceed to elect, by a majority of the votes of the electors present, one person to be the Warden for such parochial district, from among the persons who shall have paid in such two preceding levies of county cess a total sum of each, and each such Warden shall continue in office until a new election shall take place after the Spring Assizes in the year ensuing; and such new election shall be holden in all respects in like manner with the first election, as hereinbefore directed.

Amendment
to CLAUSE 7.

And be it Enacted, That a special or presentment Sessions shall be held for each baronial district in the interval between one Assizes and another, at such time and place as the Grand Jury or Fiscal Board of the county in which such baronial district is situated shall appoint; and the Wardens of the several parochial districts comprised in each baronial district shall hereafter be qualified to vote and act at the special or presentment Sessions holden for such baronial district, and together with such Wardens every magistrate deriving an income of the annual value of *Fifty Pounds* from real property situated within such baronial district, shall be qualified to vote and act at such special Sessions; and every person shall likewise be so qualified who shall be the known agent to estates situated within such baronial district of the yearly value of *Two thousand Pounds*; and after the Spring Assizes of *One thousand eight hundred and Thirty-seven* no other persons except such as are qualified according to the provisions of this Act shall be deemed to be qualified to vote or act at any special presentment Sessions; any Act now in force to the contrary notwithstanding.

Amendment
to CLAUSE 8.

And be it Enacted, That at each such special Sessions in the several counties of Ireland there shall be chosen by and from among the persons qualified to vote and act at such special Sessions, such number of baronial deputies from each special Sessions in each county as is specified in Schedule (I.) to this Act annexed; and such baronial deputies shall continue in office until the first special presentment Sessions to be holden subsequent to the Spring Assizes in the year ensuing after their election; and at such special Sessions in each succeeding year a new election of baronial deputies shall be holden in all respects in like manner

manner as at the first election ; and the several baronial deputies shall assemble at the time and in the manner hereinafter directed, and shall form the Fiscal Board of the county in which the baronial district for which they are chosen is situated ; and all the fiscal powers and duties heretofore enjoyed and performed by the Grand Juries of the several counties in Ireland, shall hereafter be enjoyed and performed by the several Fiscal Boards constituted as aforesaid, subject nevertheless to the provisions hereinafter contained in this Act ; and provided also, That whenever any duty is by this Act imposed upon the several Fiscal Boards, such duty shall be performed by the several Grand Juries in Ireland, until such Fiscal Boards shall have been fully constituted under this Act, namely, until after the first Spring Assizes of the year *One thousand eight hundred and Thirty-seven*.

SCHEDULE (I.)

IN the following Counties, each Special Presentment Sessions shall send *Four* Baronial Deputies to the Fiscal Board in each County :

Carlow.	Kilkenny.	Louth.
Kildare.	King's County.	Westmeath.
Longford.	Leitrim.	Wicklow.
Fermanagh.	Meath.	Dublin.
Monaghan.	Queen's County.	Waterford.
Sligo.	Wexford.	

In the following Counties, each Special Sessions shall send *Three* Baronial Deputies to the Fiscal Board of each County :

Armagh.	Kerry.	Londonderry.
Cavan.	Limerick.	Roscommon.
Clare.		

In the following Counties, each Special Sessions shall send *Two* Baronial Deputies to the Fiscal Board in each County :

Cork.	Down.	Tipperary.
Antrim.	Galway.	Tyrone.
Donegal.	Mayo.	

GRAND JURIES BILL (IRELAND.)

AMENDMENTS

TO BE PROPOSED TO CLAUSES

By Mr. W. S. O'Brien.

June 1836.



A

B I L L

To amend an Act for enabling His Majesty to carry into effect a Convention made between His Majesty the King of the French, the Emperor of all the Russias, and the King of Bavaria.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the third year of the reign of His present Majesty, intituled, “ An Act to enable His Majesty to carry into effect a Convention made between His Majesty the King of the French, the Emperor of all the Russias and the King of Bavaria,” provision is made for enabling His Majesty to carry into effect the stipulations of the Twelfth Article of the said Convention, in virtue of which Article the payment of the Interest and Sinking Fund of one-third part of each of the several three Instalments of Twenty millions of Francs each, forming in the whole a Loan of the amount of Sixty millions of Francs, to be contracted by the King of Greece, was to be guaranteed by His Majesty, by the King of the French and by the Emperor of all the Russias, respectively: And whereas doubts have arisen whether His Majesty is empowered by the Act aforesaid to grant his guarantee for the payment of the Interest and Sinking Fund of any one of the Instalments of the said Loan, or of any portion of such Instalment, unless the King of the French and the Emperor of all the Russias concur, each for himself, in granting their respective guarantees for the like portion of the said Loan: And whereas it is expedient that His Majesty should be enabled to guarantee one-third part of such portion of the third and last Instalment of the said Loan as yet remains to be raised, or of any such portion thereof as may appear to be necessary, notwithstanding that their Majesties the King of

Preamble :
3 Will. 4,
c. 121.

1.
His Majesty
enabled to
guarantee
Payment of
portion of
third Instal-
ment of
Greek Loan.

the French and the Emperor of all the Russias, or either of them, should refuse or delay to guarantee the like portion or portions of the said third Instalment; ~~BE it therefore Enacted~~, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for His Majesty, His heirs and successors, and he and they is and are hereby authorized to guarantee the payment of the amount of the Interest and Sinking Fund of such portion or portions of the third and last Instalment of the Loan to be contracted by the King of Greece under the provisions of the Twelfth Article of the aforesaid Convention, as from time to time may appear advisable to His Majesty, notwithstanding that their Majesties the King of the French and the Emperor of all the Russias, or either of them, shall refuse or delay to guarantee the like portion or portions of the said third and last Instalment of the Loan aforesaid: Provided always, That the amount to be so guaranteed by His Majesty shall in no case extend in the whole to more than *one-third* part of such Portion of the said third and last Instalment as still remains to be raised; and provided also, That the whole sum guaranteed by His Majesty under the powers given by this Act and by the said recited Act, shall not exceed the sum of *Twenty millions* of Francs.

2.
Commission-
ers of Trea-
sury empow-
ered to issue
Money out of
Consolidated
Fund for the
purposes of
Act.

And be it further Enacted, That for the purpose of giving effect to the said Guarantee, the Lord High Treasurer or the Commissioners of the Treasury of the United Kingdom of Great Britain and Ireland, or any *Three* or more of them for the time being respectively, shall be, and he and they is and are hereby empowered, from time to time, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to cause to be issued such sums of money as shall be required for the payment of any Interest or Sinking Fund agreed to be paid by His Majesty under the said Convention, as and when the same may from time to time respectively become payable, and so long as the same should be payable conformably to the tenor of His Majesty's engagements as specified in the said Convention.

3.
Amount of
Monies ad-
vanced under
the Act to be
laid before
Parliament.

And be it further Enacted, That the said Lord High Treasurer or Commissioners of the Treasury for the time being, shall cause to be prepared and shall lay before both Houses of Parliament, within *Twenty* Days after the commencement of every Session of Parliament, an account up to the *Thirty-first* day of *December* then next preceding, of the total sums, if any, which shall from time to time have been issued and applied, by virtue of this Act, for paying and satisfying any Interest on the said part of the said Loan, so agreed to be guaranteed by His said Majesty, or towards paying and satisfying any Principal thereof.

Greek Loan.

A

B I L L

To amend an Act for enabling His Majesty to carry into effect a Convention made between His Majesty the King of the French, the Emperor of all the Russias, and the King of Bavaria.

(Prepared and brought in by
Lord Viscount Palmerston, Lord John Russell
and Sir John Hobhouse.)

Ordered, by The House of Commons, to be Printed,
29 July 1836.



A

B I L L

For the better Regulation of Hackney Carriages
and of Omnibuses used in and near the
Metropolis, and of the Drivers and Attendants
thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS great obstructions and other inconveniences are
occasioned to the Public by the misconduct of the Drivers of
Hackney Carriages and of Omnibuses in and near the Metropolis,
in stopping and loitering with the same in the public streets and
thoroughfares, for the purpose of plying for hire or for passengers,
and in driving the same in an improper manner; and it is expedient
that the Drivers of Hackney Carriages, and the Drivers and the Con-
ductors of Omnibuses in and near the Metropolis, and the Watermen
at standings for Hackney Carriages should be licensed, and that fur-
ther provisions should be made for the regulation of such Hackney
Carriages and Omnibuses, and the Drivers, Conductors, Watermen
and Attendants thereof; **BE it therefore Enacted**, by The KING's
most Excellent MAJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, **THAT** the words and
expressions hereinafter mentioned, which in their ordinary signification
have a more confined or a different meaning, shall in this Act (except
where the nature of the provisions or the context of the Act shall ex-
clude such construction) be interpreted as follows; (that is to say) the
words "Hackney Carriage" shall include every Carriage, except a
Stage Carriage, or a Carriage drawn or impelled by the power of steam,
or otherwise than by animal power, with *Two* or more Wheels, which
shall be used for the purpose of standing or plying for a passenger or
passengers for hire at any place within the distance of *Ten* Miles from

Preamble.

1.
Meaning of the
words in the Act.

"Hackney Carriage."

Provisions of 1 & 2
W. 4, c. 22. extended
to Hackney Carriages
within Ten Miles from
the Post-office; but
Licenses of Water-
men to cease, and to
be renewed by the
Registrar.

"Omnibus."

"Limits of this Act."

"Proprietor."

"Conductor."

"Waterman."

"Passenger."

"Horse."

Number and Gender.

the General Post Office in the City of London; and that so much of
an Act passed in the first and second years of the reign of His present
Majesty, intituled, "An Act to amend the Laws relating to Hackney
Carriages, and to Waggons, Carts and Drays used in the Metropolis,
and to place the Collection of the Duties on Hackney Carriages, and
on Hawkers and Pedlars in England, under the Commissioners of
Stamps," as relates to Hackney Carriages and to Watermen, shall
extend and apply to Hackney Carriages and to Watermen within the
meaning of this Act: Provided nevertheless, That every License to
act as a Waterman, and all power to grant such Licenses by virtue of
the said recited Act shall cease and determine; and every Person to
whom any such License shall have been granted shall, within *One*
calendar Month before the *commencement of this Act*, deliver up to
the Registrar appointed under the authority of this Act, the License
and the Badge to which every such License relates; and shall there-
upon be entitled to a new License and Ticket from the said Registrar
in manner hereinafter mentioned; and the word "Omnibus" shall
include every Stage Carriage carrying more than *Six* Inside Passengers,
or drawn by *One* Horse only, except such as shall, on every journey,
go to or come from some town or place beyond the limits of this
Act; and the words "limits of this Act" shall include every place
within the distance of *Ten* Miles from the General Post Office in the
City of London, and the whole of every town, village or hamlet, any
part or portion of which shall be within the said distance from the said
General Post Office; and the word "Proprietor" shall include every
person who shall, either solely or in partnership with any other person,
be concerned in keeping any Hackney Carriage or any Omnibus, or who
shall be concerned otherwise than merely as a Driver or attendant in
using or employing for hire any Hackney Carriage or any Omnibus; and
the word "Conductor" shall include every director, cad or other
person, except the Driver, who shall be attendant upon or with any
Omnibus; and the word "Waterman" shall include any assistant to
Drivers of Hackney Carriages at the standings or places where
Hackney Carriages usually stand or ply for hire; and the word
"Passenger" shall include every person carried by any Hackney Car-
riage or by any Omnibus, except one Driver, and where there shall be
a Conductor to such Omnibus, one Conductor; and the word
"Horse" shall include every mare or gelding; and every word import-
ing the singular number only shall extend and be applied to several
persons and things as well as one person or thing; and every word
importing the masculine gender only shall extend to a female as well as
a male.

2.

Plates of Omnibuses
to be distinguished
from Plates of other
Stage Carriages.

And be it further Enacted, That the numbered Plates which are
required to be and are to be delivered by the Commissioners of Stamps
and Taxes, and to which the License for every Omnibus shall relate,
shall

shall be distinguished in colour, and in any other respect which the said Commissioners may from time to time think expedient, from the numbered Plates which have been and shall be delivered for and to which the Licenses for any other Stage Carriages relate; and the said
 5 Commissioners of Stamps and Taxes are hereby required before the *commencement of this Act*, to recall such Plates as shall have been delivered for Omnibuses for the purpose of changing the same for other Plates to be distinguished from the Plates to be delivered for any Stage Carriage other than an Omnibus as aforesaid; and every Carriage
 10 which shall be seen standing in or travelling upon any Highway, or other Street or Road, having thereupon any numbered Plate hereby required to be delivered by the Commissioners of Stamps and Taxes, shall be deemed and taken to be an Omnibus within the meaning of this Act, without further or otherwise describing the same.

15 And be it further Enacted, That it shall not be lawful for any Person to act as Driver of any Hackney Carriage, or as Driver or as Conductor of any Omnibus, whether such Person shall or shall not be the Proprietor of such Carriage, or for any Person to act as a Waterman, unless such Person shall have a License so to do, and a numbered Ticket granted to him under the authority of this Act and remaining in force; and if any Person shall act as such Driver or Conductor or Waterman without such License and Ticket, or if any Person to whom any such License and Ticket shall have been granted, shall, except in compliance with the provisions of this Act, transfer or
 20 lend such License, or permit any other person to use or wear such Ticket, he shall for every such offence forfeit any sum not exceeding *Five Pounds*; and if any Proprietor shall knowingly permit or suffer any Person not duly licensed under the authority of this Act, to act as Driver of any Hackney Carriage, or as Driver or as Conductor of
 25 any Omnibus of which he shall be the Proprietor, such Proprietor shall for every such offence forfeit any sum not exceeding *Ten Pounds*; Provided always, That in case sudden illness or any other accident shall prevent any Driver or Conductor in the service of any Proprietor from acting as such Driver or Conductor, any competent Person may
 30 lawfully be employed in his place for any time not exceeding *Twelve Hours* next after such accident; and no penalty shall be payable by such Proprietor, or the Person so employed, if it shall satisfactorily appear to any Justice of the Peace that no licensed Person could be procured to act as such Driver or Conductor.

3.
Every Driver, Conductor and Waterman to have a License and Ticket.

Not to transfer License or Ticket.

Proprietors not to allow unlicensed Persons to act as Drivers or as Conductors;

but in case of accident unlicensed Persons may be employed for any time not exceeding Twelve Hours.

40 And be it further Enacted, That after the *passing of this Act*, it shall be lawful for the Court of Mayor and Aldermen of the City of London, and they are hereby required to nominate and appoint a fit and proper Person, to be called "The Registrar of Metropolitan Public Carriages," by whom the several Licenses and Tickets required

4.
Court of Aldermen to appoint a Registrar, who shall grant Licenses and Tickets.

under this Act shall be granted and issued at the Guildhall in the said City; and in case of vacancy by death or otherwise, to renew such appointment to some other fit and proper Person; and such Registrar shall hold his office during the pleasure of the said Court of Mayor and Aldermen, and no longer; and the said Registrar is hereby required, upon the payment of the sum of *Five* Shillings to the said Registrar, to grant to every Person of the age of *Eighteen* Years or upwards who shall apply for the same, upon the production of such Certificate of his good character and ability to drive, or such other recommendation as such Court of Mayor and Aldermen shall from time to time think proper to require, a License to act as Driver of any Hackney Carriage, or a License to act as Driver of any Omnibus (as the case may be), and in like manner to grant to any Person who shall apply for the same, upon the production of such Certificate of his good character, or such other recommendation as aforesaid, a License to act as Conductor of any Omnibus, or a License to act as a Waterman: Provided always, That it shall be lawful for the said Registrar, except upon receiving an order to the contrary from such Court of Mayor and Aldermen, to refuse to grant any such License under such circumstances as he shall think proper; and in every such License there shall be specified the Number of such License, and the true Christian Name and Surname, and Place of Abode, and Age, and a description of the Person to whom such License shall be granted; and in the case of a Waterman, of the Standing or Place at which he shall thereby be authorized to act as Waterman; and every such License shall bear date on the day on which the same shall be granted, and shall continue in force until and upon the *First* day of *June* next after the date thereof, except the same shall be sooner revoked, and except during such period as the same shall be suspended: Provided also, That it shall be lawful for the said Registrar, at any time during the period of *One* calendar Month preceding the *First* day of *June* in any year, to grant and issue such Licenses, to commence and take effect from the day of the date thereof, and to continue in force (except as aforesaid) until and upon the *First* day of *June* in the year next following that in which the same shall be granted; and in one or more book or books to be provided and kept for that purpose, there shall be entered the particulars of every License which shall be granted as aforesaid; and in all Courts, and before any Justice of the Peace, and upon all occasions whatsoever, the entries made or contained in any such book or books shall be received as evidence, and be deemed sufficient proof of all matters and things therein registered or contained, without requiring the production of any License, or of any requisition, or other document upon which any such entries may be founded, and without any further proof than the production of such book or books; and any Person shall be at liberty to inspect any such book or books without payment of any fee or reward.

No Person under the age of Eighteen Years to act as Driver.

What shall be specified in the Licenses.

Particulars of Licenses to be entered in Book at the Registrar's Office.

. And

5.

Persons applying for Licenses to sign a Requisition for the same.

And be it further Enacted, That before any such License as aforesaid shall be granted, a requisition for the same, in such form as the said Registrar shall from time to time provide for that purpose, and accompanied with such certificate, recommendation or other document as such Court of Mayor and Aldermen shall from time to time think proper to require, shall be made and signed by the Person to whom such License is requested to be granted; and in every such requisition there shall be truly specified and set forth the christian name and surname, and place of abode and age of the Person applying for such License; and if any Person applying for and procuring, or attempting to procure, any such License, shall make or cause to be made any false representation in regard to his name or place of abode, or age, or if he shall not truly answer all questions which shall be demanded of him in relation to such application for a License, or if any Person to whom reference shall be made, shall in regard to such application wilfully or knowingly make any misrepresentation with the intention of deceiving the said Registrar, each and every Person so offending shall forfeit for every such offence any sum not exceeding *Five Pounds*; and it shall be lawful for any Justice of the Peace, upon proof of any such offence, to revoke any License which shall have been granted under any such false representation.

Persons making false representations to forfeit Five Pounds, and License may be revoked.

6.

Notice to be given by Drivers, Conductors and Watermen of any change of abode.

And be it further Enacted, That as often as any Driver, Conductor or Waterman shall change his place of abode, he shall within *Two Days* next after such change give notice thereof in writing, signed by him, to the said Registrar, specifying in such notice his new place of abode, and shall at the same time produce his License to the said Registrar, who shall indorse thereon a Memorandum, specifying the particulars of such change; and if any Driver, Conductor or Waterman shall change his place of abode, and shall neglect or omit to give notice of such change, or to produce his License in order that such Memorandum as aforesaid may be indorsed thereon, within the time and in the manner limited and directed by this Act, he shall forfeit for every such offence any sum not exceeding *Twenty Shillings*.

If notice not given, to forfeit Twenty Shillings.

7.

Tickets to be delivered with Licenses, and carried by Drivers, Conductors and Watermen.

And be it further Enacted, That the said Registrar shall at the time of granting any such License, deliver to the Driver, Conductor or Waterman to whom the same shall be granted, an abstract of the Laws in force relating to such Driver, Conductor or Waterman, and of the penalties to which he is liable for any misconduct, and also a Metal Ticket upon which there shall be marked or engraved his office or employment, and a Number corresponding with the Number which shall be inserted in such License; and every such Driver or Conductor shall carry such Ticket with him at all times during his employment, or when he shall be required to appear before any Justice of the Peace; and every such Waterman shall at all such times wear such Ticket conspicuously upon his breast in such manner that the Number thereon

Penalty for neglect or refusing to permit any person to inspect such Ticket, Forty Shillings.

8.

Licenses and Tickets to be delivered up on the discontinuance of Licenses : Penalty Five Pounds on Persons wearing a Ticket without having a License, and on Persons wearing a fictitious Ticket.

shall be distinctly visible and legible ; and if any Driver, Conductor or Waterman shall act as such, or shall attend when required before any Justice of the Peace without having or wearing such Ticket in manner aforesaid, or shall when thereunto required refuse to produce such Ticket for inspection, or to permit any Person to note the number thereon, he shall for every such offence forfeit any sum not exceeding *Forty Shillings*. 5

And be it further Enacted, That upon the expiration of any License granted under this Act, the Person to whom such License shall have been granted shall deliver up such License and the Ticket relating thereto to the said Registrar ; and if after the expiration of such License such Person shall use or wear the Ticket relating thereto, or shall neglect for the space of *Three Days* to deliver the same to the said Registrar ; or if any Person shall use or wear or detain any Ticket without having a License in force relating to such Ticket ; or shall for the purpose of deception use or wear or have any Ticket resembling or intended to resemble any Ticket granted by the authority of this Act, he shall for every such offence forfeit any sum not exceeding *Five Pounds* ; and it shall be lawful for any Peace Officer to seize and take away any such Ticket wheresoever the same may be found, in order to deliver the same to the said Registrar. 10 15 20

9.

New Tickets to be delivered in lieu of defaced or lost Tickets.

And be it further Enacted, That whenever the Number on any Ticket shall become obliterated or defaced so that the same shall not be distinctly visible and legible, and also whenever any Ticket shall be proved to the satisfaction of the said Registrar to have been lost or mislaid, the Person to whom the License relating to any such Ticket shall have been granted shall surrender and deliver up such Ticket (if he shall have the same in his possession), and shall produce such License to the said Registrar ; and such Person shall then be entitled to have a new Ticket delivered to him in lieu of the Ticket so delivered up or lost or mislaid, upon payment of the sum of *Three Shillings* for each Ticket : Provided always, That if any Ticket which shall have been proved as aforesaid, or represented to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered up to the said Registrar ; and if any Person into whose possession any such Ticket as last aforesaid shall be or come shall refuse or neglect for the space of *Three Days* to deliver up the same to the said Registrar ; or if any Person licensed under the authority of this Act shall use or wear the Ticket granted to him after the Number thereon shall be in any manner obliterated, defaced or obscured, so that the same shall not be distinctly visible and legible, he shall for every such offence forfeit any sum not exceeding *Forty Shillings*. 25 30 35 40

Penalty for wearing a Ticket after it has been defaced, Forty Shillings.

10.

Forgery of License or Ticket a Misdemeanor.

And be it further Enacted, That if any Person shall forge or counterfeit, or shall cause or procure to be forged, counterfeited or resembled any

any License or Ticket by this Act directed to be provided for the Driver of a Hackney Carriage, or for the Driver or the Conductor of an Omnibus, or for any Waterman; or if any Person shall sell or exchange, or expose to sale or utter any such forged or counterfeited License or Ticket; or if any Person shall knowingly and without lawful excuse (the proof whereof shall lie on the Person accused) have or be possessed of such forged or counterfeited License or Ticket, knowing such License or Ticket to be forged or counterfeited, every Person so offending, and every Person knowingly and wilfully aiding, abetting or assisting any Person in committing any such offence as aforesaid, shall be adjudged guilty of a *Misdemeanor*, and being thereof convicted shall be liable to be punished by fine or imprisonment, or by both, such imprisonment to be in the common Gaol or House of Correction, and either with or without hard labour, as the Court shall think fit; and it shall be lawful for any Person to detain any such License or Ticket, or for any Peace Officer to seize and take away any such License or Ticket, in order that the same may be produced in evidence against such Offender, or be disposed of as the said Registrar shall think proper.

And be it further Enacted, That if the Proprietor of any Hackney Carriage or of any Omnibus shall permit or employ any Licensed Person to act as the Driver or the Conductor thereof, then and in every such case such Proprietor shall require to be delivered to him, and shall retain in his possession the License of such Driver or Conductor during such time as such Driver or Conductor shall remain in his employ; and in all cases of complaint, where the Proprietor of a Hackney Carriage or of an Omnibus shall be summoned to attend before a Justice of the Peace, or to produce the Driver or the Conductor of such Carriage, the Proprietor so summoned shall also produce the License of such Driver or Conductor if he shall then be in his employ; and if any Driver or Conductor complained of shall be adjudged guilty of the offence alleged against him, it shall be lawful for such Justice to make an indorsement upon the License of such Driver or Conductor, stating the nature of the offence and the amount of the penalty inflicted; and if any Proprietor shall neglect to require to be delivered to him and to retain in his possession the License of any Driver or Conductor during such period as such Driver or Conductor shall remain in his employ, or shall refuse or neglect to produce such License as aforesaid, such Proprietor shall for every such offence forfeit any sum not exceeding *Three Pounds*.

11.
Proprietor to retain the License of Drivers or Conductors when in his employ;

and to produce the same when summoned.

Justices may indorse Licenses.

Penalty on Proprietor for neglect, Three Pounds.

12.
Proprietor to return License to Drivers or Conductors when quitting his service, if they behave well.

And be it further Enacted, That when and so often as any Driver or Conductor shall leave the service of the Proprietor by whom he shall have been employed, and shall not have been guilty of any misconduct, such Proprietor shall forthwith return to such Driver or Conductor the

If they have
misconducted
themselves,
Proprietor to
summon such
Driver or Con-
ductor.

Compensation
if License has
been impro-
perly with-
held.

13.
Licenses may
be suspended,
and for certain
offences re-
voked by
Justices.

Justices em-
powered to
require
Licenses or
Tickets to be
delivered up
to them.

Penalty
Five Pounds.

14.
Penalty on
Driver leaving
his Carriage
and abscond-

License belonging to him; but if such Driver or Conductor shall have been guilty of any misconduct, then and in any such case such Proprietor shall not return the License to such Driver or Conductor, but shall give him notice of the complaint which he intends to prefer against him, and shall forthwith summon such Driver or Conductor to appear before any Justice of the Peace to answer the said complaint, and such Justice, having the necessary parties before him, shall inquire into and determine the matter of complaint; and if upon the inquiry it shall appear that the License of such Driver or Conductor has been improperly withheld, it shall be lawful for such Justice to direct immediate re-delivery of such License, and to award such sum of money as he shall think proper to be paid by such Proprietor to such Driver or Conductor by way of compensation. 5 10

And be it further Enacted, That it shall be lawful for any Justice of the Peace before whom any Driver, Conductor or Waterman shall be convicted of any offence, whether under this Act or any other law, if such Justice in his discretion shall think proper, to suspend for any period not exceeding *Two* calendar Months the License granted to such Driver, Conductor or Waterman under this Act; and it shall also be lawful for any *Two* Justices of the Peace, upon proof that any Driver, Conductor or Waterman has been convicted of felony or of knowingly receiving stolen property, or upon the conviction before them for a *Second* offence of any Driver or Conductor for furious or wanton or negligent driving, or for detaining property left in any Hackney Carriage or in any Omnibus, or for wilfully defrauding his employer, or for refusing or neglecting to attend before any Justice when lawfully required so to do, if such Justices in their discretion shall think proper to revoke the License granted to such Driver, Conductor or Waterman under this Act; and whenever the License of any Driver, Conductor or Waterman shall be suspended or revoked as aforesaid, it shall be lawful for any Justice of the Peace to require any Proprietor to deliver up forthwith to such Justice the License of such Driver or Conductor, if the same shall then be in his possession, or to require such Driver, Conductor or Waterman to deliver up forthwith to such Justice his License and the ticket relating thereto; and if any Proprietor, Driver, Conductor or Waterman shall, upon being so required, refuse or neglect to deliver up such License or any such Ticket, he shall forfeit any sum not exceeding *Five* Pounds; and every Justice to whom any License or any Ticket shall be delivered up, shall forthwith transmit the same to the said Registrar, who shall at the expiration of the period for which any such License shall have been suspended, re-deliver such License with the Ticket to the Person to whom it shall have been granted. 15 20 25 30 35 40

And be it further Enacted, That if the Driver of any Hackney Carriage, not being the Proprietor thereof, shall abandon or leave such Carriage,

149

Carriage, or shall not return the same to the Proprietor thereof, he shall for every such offence forfeit any sum not exceeding *Ten Pounds*; and if any Driver or Conductor, authorized by any Proprietor to act as Driver of any Hackney Carriage, or as Driver or as Conductor of any Omnibus, shall permit or suffer any other Person to act as Driver of such Hackney Carriage, or as Driver or as Conductor of such Omnibus, without the consent of the Proprietor thereof (except in the cases hereinbefore mentioned), he shall forfeit for every such offence any sum not exceeding *Forty Shillings*; and every Person who shall act as Driver or as Conductor of any such Carriage without the consent of the Proprietor thereof (except in the cases hereinbefore mentioned), shall for every such offence forfeit any sum not exceeding *Five Pounds*; and it shall be lawful for any Constable belonging to the Police force, without any Warrant for that purpose, to apprehend any Person unlawfully acting as a Driver or as a Conductor, and to carry and convey him before any Justice of the Peace having jurisdiction where the offence shall be committed, to be dealt with according to law.

ing, *Ten Pounds*; and on Drivers or Conductors permitting others to act in their places, *Forty Shillings*;

and on Persons who shall so act, *Five Pounds*, and they may be apprehended and conveyed before a Justice of the Peace.

And be it further Enacted, That if the Driver of any Hackney Carriage or of any Omnibus shall be guilty of wanton or furious driving, or shall, by negligence, wilful misbehaviour or any other misconduct, cause any hurt or damage to any person or property being upon any street or highway; or if any Driver, Conductor or Waterman shall during his employment be intoxicated, or shall make use of any indecent or abusive language, he shall for every such offence forfeit any sum not exceeding *Three Pounds*; or it shall be lawful for the Justice before whom such complaint shall be brought, if in his discretion he shall think proper, instead of inflicting such penalty, forthwith to commit such Offender to prison for any period not exceeding *Two calendar Months*, with or without hard labour, as such Justice shall direct; and in every case where any such hurt or damage shall have been caused, such Justice may direct and award that the Proprietor of any Hackney Carriage or Omnibus, when the Driver thereof has caused any hurt or damage as aforesaid, shall pay such a sum, not exceeding *Five Pounds*, as shall appear to the Justice of the Peace before whom the complaint shall be brought to be a reasonable compensation to the person so aggrieved or injured; and every Proprietor who shall pay any compensation as aforesaid, shall be entitled to recover the same from his Driver in a summary manner as hereinafter directed.

15. Wanton or furious driving or negligent or wilful misbehaviour of Drivers of Carriages, Penalty *Five Pounds*;

or they may be committed to prison for *Two Months*.

Compensation for hurt or damage not exceeding *Five Pounds*, to be paid by the Proprietor,

who shall recover of the Driver.

And be it further Enacted, That if any Hackney Carriage or any Omnibus shall be employed in plying for hire with any broken window, door or step, or otherwise than in a clean, decent and proper condition for the reception of passengers; or if any passenger, or any other person, shall be impeded or injured by any accident or stoppage occasioned by any defect in such Carriage, or in the harness belonging thereto,

16. Penalty if Hackney Carriage or Omnibus be in a broken or dirty state, and in case of accident occasioned by the insufficiency of the

Carriage or
Horses, Forty
Shillings.

thereto, which ought to have been known previously to the commencement of such hiring or journey, or by the use of incompetent or vicious horses, the Proprietor of such Carriage shall for every such offence forfeit any sum not exceeding *Forty Shillings*.

17.

Limit of the
number of
Passengers,
and dimension
of Omnibuses.

And be it further Enacted, That no Omnibus shall be licensed to carry more than *Fifteen* Passengers, or more than *Fourteen* Inside Passengers; and that every Omnibus licensed to carry Seven Inside Passengers, or licensed to carry Eight Inside Passengers, shall be at the least in the inside *Five Feet Four Inches* in length; and that every Omnibus licensed to carry Nine Inside Passengers, or licensed to carry Ten Inside Passengers, shall be at the least in the inside *Six Feet Ten Inches* in length; and that every Omnibus licensed to carry Eleven Inside Passengers, or licensed to carry Twelve Inside Passengers, shall be at the least in the inside *Eight Feet Four Inches* in length; and that every Omnibus licensed to carry Thirteen Inside Passengers, or licensed to carry Fourteen Inside Passengers, shall be at the least in the inside *Nine Feet Six Inches* in length; and that every Omnibus drawn by *Two* or more Horses, which shall be built and used or employed after the *commencement of this Act*, shall be at the least *Five Feet* in height as measured from the floor of such Omnibus to the inside of the roof thereof, and at the least in the inside *Four Feet Four Inches* in width; and if any Omnibus shall be used or employed of smaller dimension in length than is hereby required for the said number of Passengers respectively; or if any Omnibus drawn by *Two* or more Horses, which shall have been built after the *commencement of this Act* (and the proof to the contrary whereof shall be upon the Proprietor), shall be used or employed of smaller dimension in height or width than is hereby required, the Proprietor of such Omnibus shall for every such offence forfeit any sum not exceeding *Five Pounds*; and if the Driver or the Conductor of any Omnibus shall permit or suffer a greater number of Inside or of Outside Passengers than shall be allowed and specified in the License relating to such Carriage, to be carried or conveyed thereby at one and the same time, he shall for every such offence forfeit any sum not exceeding *Five Pounds*.

Length.

Height and
width of those
built after the
commence-
ment of this
Act.

Penalty, if of
smaller di-
mension or for
carrying a
greater num-
ber of Passen-
gers than
allowed by
License, Five
Pounds.

18.

Plates to be
fixed in the
inside of every
Omnibus.

And be it further Enacted, That in addition to the Plates required by the laws now in force to be fixed on each side of every Omnibus, there shall be fixed on a conspicuous part of every such Carriage, in the inside, a Plate or Board, having painted thereon in Figures the Number of the Stamp-Office Plate relating to such Carriage, and in Letters and Figures the Number of Passengers such Omnibus is licensed to carry in the Inside and on the Outside of such Carriage, and the Fare to be paid by any Person for being conveyed by such Carriage; and on every such Plate or Board, the Figures denoting the Number of

of such Stamp-Office Plate shall be at least *Two Inches* in height, and any other Figures shall be at least *One Inch and a Half* in height, and the Letters at least *One Inch* in length, and all of a proportionate breadth, and of a Colour different from the Colour of the Ground on which the same shall be painted; and if it shall happen that the Commissioners of Stamps and Taxes, or their authorized Officer, shall be dissatisfied with the position of any Plate or Board fixed or placed in any such Carriage, and shall direct such Plate or Board to be placed upon some other conspicuous part of the inside of any such Carriage, such Plate or Board shall be placed and fixed accordingly upon any part of such Carriage in compliance with such direction; and every such Plate or Board shall be placed and fixed in every such Carriage in such manner that the Figures and Letters thereon shall be at all times plainly and distinctly visible and legible; and if the Proprietor of any Omnibus shall use or employ any such Carriage without such Plate or Board painted and fixed in such manner as is hereinbefore directed; or if any Driver or Conductor shall permit or suffer any such Plate or Board, or the Figures or Letters on any such Plate or Board to be in any manner or by any means concealed from public view, or to be inverted, or to be defaced or obliterated; or shall molest or oppose, or by any means endeavour to prevent any Person in or from inspecting any such Plate or Board fixed or placed in any such Carriage, such Proprietor, Driver or Conductor shall forfeit for every such offence any sum not exceeding *Fifty Shillings*.

Penalty for neglect, &c.
Fifty Shillings.

AND whereas by an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to repeal the Duties under the management of the Commissioners of Stamps on Stage Carriages, and on Horses let for hire in Great Britain, and to grant other Duties in lieu thereof, and also to consolidate and amend the Laws relating thereto," it is required that there shall be painted in manner therein mentioned upon every Stage Carriage the greatest number of Passengers allowed to be carried in or by such Carriage; and also when such Carriage shall be licensed to carry both Inside and Outside Passengers, the greatest number of Passengers allowed to be taken in the Inside and on the Outside thereof respectively: AND whereas upon some Stage Carriages there are painted several Inscriptions, differing from each other as to the number of Passengers which such Stage Carriage is licensed to carry, and one or more of them differing in that respect from the License granted for such Stage Carriage, whereby the object and intention of the said last-recited enactment are defeated, and it is expedient to provide a remedy for the same; BE it therefore Enacted, That if any Stage Carriage shall be used, having any Inscription written, painted or marked thereon, or upon any Plate or Board therein, importing or signifying, or intending to import or signify, that such Carriage is licensed, or authorized to

19.
Penalty for marking upon Stage Carriages any Inscription differing from the License as to the number of Passengers authorized to be carried thereby, Five Pounds.

carry or convey thereby, either in the whole or in the inside, or on or about the outside thereof, any number of Passengers other than the actual number which such Carriage is by the License relating to the numbered Plate or Plates which shall be fixed or placed upon such Carriage expressly authorized to carry, either in the whole or in the inside, or on or about the outside thereof respectively, the Proprietor of such Carriage shall forfeit for every such offence any sum not exceeding *Five Pounds*. 5

20.

Commissioners of Stamps and Taxes to furnish an account of all Hackney Carriage and Omnibus Licenses in force.
The Licenses and Places of Abode of Proprietors of Hackney Carriages and Omnibuses to be registered at the Office of the Registrar: Penalty Forty Shillings.

And be it further Enacted, That the Commissioners of Stamps and Taxes shall furnish to the said Registrar the particulars of all Hackney Carriage and Omnibus Licenses which shall remain in force at the *commencement of this Act*, and shall afterwards, at convenient times, furnish to the said Registrar an account of all such Licenses as shall be discontinued or revoked; and that the Proprietor of every Hackney Carriage or Omnibus, who shall, after the *commencement of this Act*, take out any such License, shall, within *Two Days* next after such License shall be granted to him, produce such License at the office of the said Registrar to be registered, and give a true account in writing of his christian name and surname, and place of abode; and every such Proprietor shall, in like manner, produce such License at the said office, and give a similar notice in writing, so often as, and within *Two Days* next after his place of abode, or the number of the Stamp Office Plate granted to him with any such License shall be changed; and if any Proprietor shall refuse or neglect to produce such License, or to give such account of his place of abode, or of any change thereof as aforesaid, within the time and in the manner directed by this Act, he shall forfeit any sum not exceeding *Forty Shillings*; and it shall not be necessary for the Proprietor of any Hackney Carriage to give any such account as aforesaid to the Commissioners of Sewers at the Guildhall in the City of London, any thing in the said recited Act of the first and second years of His present Majesty's reign to the contrary notwithstanding. 10 15 20 25 30

21.

Licensed Proprietors of Hackney Carriages not to let out the Stamp Office Plates: Penalty Ten Pounds;

And be it further Enacted, That it shall not be lawful for any Person licensed as the Proprietor of a Hackney Carriage under the authority of the said recited Act of the first and second years of His present Majesty's reign, to sell, transfer or land, or (except in the usual course of his business) to let to hire the Stamp Office Plate relating to any such License, but every such Proprietor shall, so soon as he shall have discontinued the use of the Hackney Carriage in respect of which any License has been granted, re-deliver the Stamp Office Plate relating thereto to the Commissioners of Stamps and Taxes in the manner directed and provided for in the aforesaid Act; and if any Proprietor so licensed as aforesaid shall sell, transfer or lend, or (except in the usual course of his business) let to hire the Stamp Office Plate relating 35 40

to

and on Persons using such Plates without having a License, Penalty Ten Pounds.

to any such License, he shall for every such offence forfeit any sum not exceeding *Ten* Pounds ; and every Person who shall buy or make use of any Stamp Office Plate as aforesaid, without having a License in force so to do relating to such Plate, shall also forfeit for every such
 5 offence any sum not exceeding *Ten* Pounds ; and it shall be lawful for the Commissioners of Stamps and Taxes, or any Person duly authorized by them, to revoke any License, and to recall or to seize and detain the Stamp Office Plate relating thereto, if it shall satisfactorily appear to the said Commissioners that any such Stamp Office Plate
 10 hath been sold, transferred or lent, or unlawfully let to hire, or used as aforesaid, or that the Person to whom any such License shall have been granted has neglected or omitted to give due notice of any change in his place of abode, in the manner directed and provided for in the said recited Act : Provided always, That if any Proprietor so unlawfully
 15 selling, transferring, lending or letting to hire any such Stamp Office Plate, shall give or produce such evidence as shall procure the conviction of any Person who shall unlawfully have made use of the same, or if any Person who shall have unlawfully made use of any such Stamp Office Plate shall give or produce such evidence as shall procure the conviction of the Person to whom the License relating to such
 20 Plate shall have been granted, who shall have sold, transferred or lent, or unlawfully let the said Plate to hire, then and in every such case, the Person so giving evidence or procuring the conviction of the Offender, in either of the aforesaid cases, shall be exonerated from all penalties in relation to such offence, and shall be entitled to *One moiety*
 25 of the penalty inflicted upon the Offender against whom he shall have so given evidence, or whose conviction he shall have been the means of procuring.

And be it further Enacted, That it shall be lawful for the Court of
 30 Mayor and Aldermen of the said City of London, from time to time, to appoint proper standings or places within the City of London and liberties thereof, and in the Borough of Southwark, where Omnibuses may stand and wait to take up Passengers, commence their journeys, or rest during their journeys ; and also to make orders for regulating
 35 the number of such Carriages to stand or rest in such places respectively at the same time, and the distances at which they shall stand from each other, and the time such Carriages respectively may stand and wait to take up Passengers before they commence their journeys or rest during their journeys at such places respectively ; and from time
 40 to time to alter, amend or repeal any such appointment of standings or places, or any such orders and regulations, and to make others in the room thereof, any law, statute or usage to the contrary notwithstanding ; and the said Court of Mayor and Aldermen shall cause the particulars of the several appointments of standings and places, and all the orders and regulations made by them, and every alteration,

22.
 Court of Mayor and Aldermen to appoint places for Omnibuses to stand and wait in London and Southwark.

Penalty for
offending
against
Orders and
Regulations,
Fifty Shillings.

amendment or repeal thereof respectively, to be printed and circulated in such manner as they shall think proper for the information of the parties concerned, and a copy thereof to be kept for public inspection in the Offices of the Town Clerk and of the said Registrar at the Guildhall of the said City; and if the Driver or the Conductor of any Omnibus shall permit the same to stand or rest at any place within the City of London, or liberties thereof, or within the Borough of Southwark, which shall not be appointed as aforesaid, or shall, after a reasonable time to be allowed for their promulgation, offend against the Orders and Regulations so made as aforesaid, he shall for every such offence forfeit any sum not exceeding *Fifty* Shillings; and every penalty or forfeiture for any offence committed within the City of London or liberties thereof, or the Borough of Southwark, against the provisions of this Act or of the said recited Act of the first and second years of His present Majesty's reign, or of any Orders or Regulations made in pursuance thereof, after deducting such part (if any) as shall be adjudged to be paid for the use of any Informer, shall be paid to the Chamberlain of the City of London for the time being, to be applied towards the expense of the Police of the said City, or of the Office of the said Registrar.

20

23.
Stands to be
appointed out
of London
and South-
wark for
Hackney
Carriages and
Omnibuses by
the Police Ma-
gistrates and
other Justices;

except within
certain
Places.

And be it further Enacted, That it shall be lawful for the Justices for the time being, appointed in pursuance of an Act passed in the third year of the reign of His present Majesty, intituled, "An Act for the more effectual Administration of Justice in the office of a Justice of the Peace in the several Police Offices established in the Metropolis; and for the more effectual prevention of Depredations on the River Thames and its vicinity for Three Years," to execute the office of a Justice of the Peace at the several Police Offices therein mentioned, from time to time to appoint proper Standings or Places within the Districts of their respective Offices (except within such Parishes, Districts or other Places as by any Acts of Parliament now in force, powers and authorities are given to or vested in any Commissioners, Trustees or other Person or Persons to appoint places where Hackney Carriages may stand and ply for hire, or to prevent such Hackney Carriages from standing or plying for hire), where Hackney Carriages may stand and ply for hire; and also from time to time to appoint such other places as they shall consider to be necessary and proper within the limits aforesaid (except within the Districts vested in certain Commissioners by an Act passed in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for more effectually paving, lighting, watching, cleansing and regulating the Regent's Park, together with the new Street from the Regent's Park to Pall Mall, and the new Streets and Improvements in the neighbourhood of Parliament-street and Privy Gardens, and for maintaining a convenient Sewage for the same;" and by three other Acts passed

in

in the sixth and ninth years of the reign of his said late Majesty, and in the second year of the reign of His present Majesty, for extending the powers of the said Act), where Omnibuses may stand and wait to take up Passengers before they commence their journies, or rest during
 5 their journies; and also to make Orders for regulating the Number of such Carriages respectively to stand in such places respectively, and the Distances at which they shall stand from each other, and the Time such Omnibuses respectively may stand or wait to take up Passengers before they commence their journies, or rest during their journies,
 10 at such places respectively; and from time to time to alter, amend or repeal any such appointment of Standings or Places, or any such Orders or Regulations, and to make others in the room thereof, any law, statute or usage to the contrary notwithstanding; and that in so far as regards Districts or Places not being within such Police Office Dis-
 15 tricts, but within the limits of this Act, it shall in like manner be lawful for *Two* or more Justices of the Peace for the County in which such Districts or Places shall be situate, assembled in Special or Petty Sessions, to appoint such Standings or Places, or to repeal any such appointment; and also to make, alter, amend or repeal any such Orders
 20 or Regulations as aforesaid in regard to the Districts for which they respectively act; and the Justices aforesaid shall cause the particulars of the several appointments of Standings or Places, and all the Orders or Regulations made by them, and every alteration, amendment or repeal thereof respectively, to be printed and circulated in
 25 such manner as they shall think proper for the information of the parties concerned, and a copy thereof to be kept for public inspection in the Police Office of the District to which they shall respectively relate, and a copy thereof to be transmitted to the said Registrar; and if the Driver of any Hackney Carriage, or the Driver or the Con-
 30 ductor of any Omnibus, shall permit the same to stand or wait or rest at any place within the said Districts, other than a place appointed in pursuance of this Act, or any other Act or Acts of Parliament, or shall, after a reasonable time to be allowed for their promulgation, offend against any of the Orders or Regulations so made as aforesaid,
 35 he shall for every such offence forfeit any sum not exceeding *Fifty* Shillings: Provided always, That any Hackney Carriage may be appointed in pursuance of this or any other Act of Parliament, to stand at any place within *Eight* Feet of the curb-stone of any pavement, or within a less distance than a clear space of *Ten* Feet behind
 40 any other Hackney Carriage, and the Proprietor or Driver of any Hackney Carriage standing according to any such appointment shall not be liable to any penalty in respect thereof.

County Ma-
gistrates to
appoint Stands
in places out
of Police-
office Dis-
tricts.

Penalty for
offending
against Orders
or Regula-
tions, *Fifty*
Shillings.

And be it further Enacted, That no more than such number of Hackney Carriages or Omnibuses respectively as shall be allowed by Orders and Regulations made by the said Court of Mayor and Alder-
 28. men,

24.
No more Car-
riages than the
number al-
lowed to
remain at any
Stand.

men, or the said Justices or Commissioners, Trustees or other Persons respectively to stand at any place, shall stand or rest or remain at one time at such place; and if any Hackney Carriage shall arrive at any such place at a time when there shall be standing there the full number allowed as aforesaid, and the Driver thereof shall not forth- 5
with proceed with such Carriage to another standing or place; or if any Omnibus shall arrive at any such place at a time when there shall be standing there the full number allowed as aforesaid, and the Driver thereof shall not forthwith proceed with such Carriage on the journey thereof, or return to the coach-yard or place from whence the same 10
shall have come, every such Driver shall for every such offence forfeit any sum not exceeding *Twenty Shillings*.

25.
Penalty on
Drivers, Con-
ductors or
Watermen
causing any
obstruction at
a Stand.

And be it further Enacted, That if the Driver of any Hackney Carriage, or the Driver or the Conductor of any Omnibus or any Waterman, shall stand or go on the foot-pavement or foot-path of or 15
opposite to any standing or place appointed for Hackney Carriages or Omnibuses to stand or rest, or if any Person shall unnecessarily stop or loiter, or cause any unnecessary obstruction at any such standing or place, or in the immediate neighbourhood thereof, and shall not imme-
diately remove upon being thereunto required, every such Driver, 20
Conductor or Waterman, or other Person so offending shall for every such offence forfeit any sum not exceeding *Twenty Shillings*: Provided always, That nothing herein contained shall be construed to extend to prevent any Driver, Conductor or Waterman going on the foot-pave-
ment or foot-path when employed in opening the door of any Carriage 25
to let in or out any passenger, or from following his lawful occupation on any such standing or place.

26.
Penalty on
Driver of
Hackney Car-
riage for loi-
tering or
causing any
obstruction,
Twenty
Shillings.

And be it further Enacted, That the Driver of any Hackney Carriage employed in plying for hire shall, when the same shall come from the stable-yard or place at which the same shall be kept when not em- 30
ployed, and also when discharged by any Person by whom the same shall have been hired, and intending to be further employed during the same day, proceed forthwith without loitering by the way to some place appointed for Hackney Carriages to stand and ply for hire, and there remain, unless hired, for the space of *One-half* Hour at the least; and 35
if the Driver of any Hackney Carriage shall gag or loiter with such Carriage, or by wilful misbehaviour cause any obstruction in or about any public street or road; or shall when not hired drive in a contrary direction from that in which such Hackney Carriage first proceeded when coming from such stable-yard, or when discharged as aforesaid, 40
or otherwise than directly to some standing or place appointed as aforesaid, or to the stable-yard or place where the same shall be kept; or shall not remain at such standing or place, unless hired, for the space of *One-half* Hour at the least, such Driver shall for every such offence forfeit any sum not exceeding *Twenty Shillings*.

And

137
27.

And be it further Enacted, That if the Driver or the Conductor of any Omnibus shall loiter with such Carriage in or about any public street or road within the City of London or Liberties thereof, or the Borough of Southwark; or shall by wilful misbehaviour cause any obstruction in or upon any public street or road; or shall loiter with, or improperly delay such Carriage on any journey, or wilfully deceive any Person in respect to the route or destination thereof; or shall for the purpose of taking up or setting down a passenger, or for any other purpose, except in case of accident or other unavoidable necessity, stop such Carriage opposite to the end of any street, or upon any place where foot-passengers usually cross the carriage-way, or at a greater distance than *Three Feet* from the outer edge of the foot-pavement or foot-path nearest to such Carriage; or shall ply for hire or passengers by blowing a horn, or making any other noise, he shall for every such offence forfeit any sum not exceeding *Twenty Shillings*.

Penalty on Drivers or Conductors of Omnibuses who loiter or cause any obstruction, or ply for hire by making any noise, *Twenty Shillings*.

28.

And be it further Enacted, That in case of any complaint or dispute between the Proprietor of any Hackney Carriage and the Driver thereof, or the Proprietor of any Omnibus and the Driver or the Conductor thereof, in respect to the amount of earnings, or to such sums of money as such Driver or Conductor shall have engaged to pay day by day to such Proprietor, or in respect to injury, damage or loss which shall have arisen through the neglect or default of such Driver or Conductor to the property of such Proprietor intrusted to his care, or of penalties, forfeitures or expenses which shall have been incurred by such Proprietor through the misconduct of such Driver or Conductor, or respecting wages or reward alleged to be due to such Driver or Conductor, and to be improperly withheld by such Proprietor, or in respect of any sum of money deposited by such Driver or Conductor in the hands of such Proprietor, or in any other case of dispute or complaint between the Proprietor of any such Carriage and the Driver or the Conductor thereof, upon complaint made to any Justice of the Peace by such Proprietor against such Driver or Conductor, or by such Driver or Conductor against such Proprietor, the said Justice shall inquire into and determine the same, and order such Compensation to be made to either party as to such Justice shall seem proper; and if it shall appear that such Driver or Conductor has wilfully defrauded such Proprietor, such Driver or Conductor shall also forfeit for every such offence any sum not exceeding *Five Pounds*.

Justices to determine disputes between Proprietors and their Drivers and Conductors, and to award compensation.

Penalty on Driver or Conductor for defrauding his employer, *Five Pounds*.

29.

And be it further Enacted, That when any complaint shall be made before any Justice of the Peace against the Driver of any Hackney Carriage or the Driver or the Conductor of any Omnibus, for any offence committed by him within *Fourteen Days*, it shall be lawful for such Justice, if he shall think proper, forthwith to summon the Proprietor of such Carriage personally to appear, or to produce the Driver

Proprietors to be summoned to appear, or to produce the Driver or Conductor.

Penalty for
neglect of
summons,
Forty
Shillings.

Proprietor to
give notice to
Driver or
Conductor.

Penalty on
Driver or
Conductor for
not appearing,
Forty
Shillings.

On neglect of
summons Jus-
tice may
proceed.

30.
If Driver or
Conductor
does not ap-
pear, the Pro-
prietor to pay
the penalty,

and be en-
titled to reco-
ver from the
Driver or
Conductor.

of such Hackney Carriage, or the Driver or the Conductor of such Omnibus to answer such complaint; and if any such Proprietor, being duly summoned, shall neglect or refuse personally to appear or to produce such Driver or Conductor, according to such summons, without a reasonable excuse for such neglect or refusal, to be allowed by the Justice before whom he ought to appear according to such summons, such Proprietor shall forfeit any sum not exceeding *Forty* Shillings, and so from time to time as often as he shall be so summoned, until he shall appear, or such Driver or Conductor shall be produced by him; and every Proprietor so summoned to appear or to produce the Driver of any Hackney Carriage or the Driver or the Conductor of any Omnibus, shall cause a verbal or written Notice to be given to such Driver or Conductor of the time and place when and where such Driver or Conductor is so required to attend; and if after any such verbal or written Notice shall have been given or served as aforesaid any Driver or Conductor shall, without a reasonable excuse to be allowed by the Justice, neglect or refuse to attend at the time and place at which he is so required to attend, or if such Driver or Conductor having previously left the service of the Proprietor so summoned as aforesaid shall not then and there also produce his License, every Driver or Conductor so offending shall forfeit any sum not exceeding *Forty* Shillings: Provided always, That if such Proprietor shall neglect or refuse to appear, or to produce such Driver or Conductor when so summoned, it shall not be necessary to issue a second summons, unless such Justice shall think proper so to do; but it shall be lawful for such Justice to proceed to hear and determine the said complaint in the absence of the said Proprietor and of the Driver or Conductor, or either of them, and upon proof of such offence by the oath of one or more credible witness or witnesses to give judgment against such Proprietor, or Driver or Conductor, as the case may be, for the penalty incurred by reason of such offence.

And be it further Enacted, That whenever it shall happen that the Driver of any Hackney Carriage, or the Driver or the Conductor of any Omnibus shall have committed any offence against this Act, or against the said Act passed in the first and second years of the reign of His present Majesty, or against any such Orders and Regulations as aforesaid, for the commission whereof any penalty is imposed upon such Driver or Conductor, and not upon the Proprietor of such Hackney Carriage or Omnibus, and such Driver or Conductor shall not appear or be produced by such Proprietor, then, but not otherwise, the Proprietor of such Hackney Carriage or of such Omnibus shall be liable to every such penalty as if he had been the Driver of such Hackney Carriage or the Driver or the Conductor of such Omnibus at the time when such offence was committed; and every Proprietor who shall pay any penalty or costs incurred by reason of any such offence

offence shall be entitled to recover the same from such Driver or Conductor in a summary manner; and upon complaint made in the premises before any Justice of the Peace by such Proprietor against such Driver or Conductor, such Justice shall inquire into the same, and shall cause the sum which shall appear to have been so paid to be repaid by such Driver or Conductor, as a compensation to such Proprietor.

And be it further Enacted, That it shall be lawful for any Justice of the Peace, in all cases in which no other mode of proceeding is specially provided or directed by this Act, upon complaint being made by any Person of any offence against the provisions of this Act, or of the said recited Act of the first and second years of the reign of His present Majesty, or of the Orders and Regulations made in pursuance thereof, or any of them, within *Fourteen* Days next after the commission of any such offence, to issue his summons to require the attendance of the Person complained against before the said Justice, or before any other Justice of the Peace, at a time and place to be appointed for that purpose, or a Warrant for the apprehension of the Offender; and either on the appearance of the party accused, or in default thereof, it shall be lawful for such Justice, or any other Justice present at the time and place appointed for such appearance, to proceed to examine into the matter of fact, and hear and determine the matter of such complaint, and upon due proof made thereof by voluntary confession of the party, or by oath of one or more credible Witness or Witnesses, to give judgment for the penalty or compensation and costs, and to adjudge that such Person shall pay the same, either immediately or within such period as he shall think fit; and such Justice, according to his discretion, may either adjudge that in default of payment of such penalty or compensation and costs at the time appointed, the Person so convicted shall be imprisoned in the common Gaol or House of Correction for any term not exceeding *Two* calendar Months, the imprisonment to cease upon payment of the sum due; or may, on non-payment of such penalty or compensation and costs, award and issue his warrant for the levying of any penalty or compensation so adjudged, together with the said costs and expenses, and also the costs and expenses of such Warrant, and of levying the same, on the goods of the Offender, and to cause sale to be made of such goods, in case they shall not be redeemed within *Five* Days, rendering to the party the overplus (if any); and where goods of such Offender cannot be found sufficient to answer the penalty or compensation, and all such costs and expenses, to commit such Offender to prison, there to remain for any time not exceeding *Two* calendar Months, unless such penalty or compensation and all such costs and expenses shall be sooner paid; and every such imprisonment shall be with or without hard labour, as such Justice shall direct;

31.
Mode of proceeding for penalties or compensation before a Justice of the Peace.

and all proceedings whatsoever before any Justice of the Peace, under any of the provisions of this Act, and the judgment of the said Justice thereon, shall be final and conclusive between the parties, and shall not be quashed or vacated for want of form, and shall not be removed by Certiorari, or any other writ or process into any Superior Court; 5
any law, statute or usage to the contrary notwithstanding.

32.
In what man-
ner Goods
distrained
under this Act
shall be sold.

And be it further Enacted, That in all cases where any goods or chattels distrained or otherwise seized or taken under any of the provisions of this Act are directed to be sold, the same shall be sold by Public Auction, and notice of the time and place of such sale shall be 10
given to the owner of such goods or chattels, or left at his last known place of abode, *Three Days* at least prior to such sale : Provided always, That if the owner of any such goods or chattels shall give his consent in writing to the sale thereof, at an earlier period than is by this Act, or shall be by any such notice appointed for such sale, or in any other 15
manner than is by this Act directed, it shall be lawful to sell such goods or chattels according to such consent : Provided also, That if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the Person who by any warrant or other process shall be directed or authorized to cause such goods or chattels 20
to be sold, the sum which he shall by such warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such goods or chattels shall be made.

33.
Peace Officers
and Informers
not disquali-
fied from
being
Witnesses.

And be it further Enacted, That upon the trial or hearing of any 25
complaint made under any of the provisions of this Act, or such orders and regulations as aforesaid, any Peace Officer, or any Complainant or other Person shall be deemed and is hereby declared to be a competent Witness, notwithstanding that such Officer or Person may be entitled to or expect any part of the pecuniary penalty or compensation, or any 30
remuneration or reward on the conviction of any Offender upon any such complaint.

34.
Application
of Penalties.

And be it further Enacted, That all pecuniary penalties imposed by or incurred under this Act, or such orders and regulations as aforesaid, except the pecuniary penalties for offences committed within the City 35
of London and liberties thereof, and the Borough of Southwark as aforesaid, shall respectively be distributed and divided in manner following ; (that is to say) *One Moiety* thereof to His Majesty, and the other *Moiety* thereof, with full costs of suit, to the Person who shall inform and sue or prosecute for the same within *Fourteen Days* after the offence committed ; or if the prosecutor be a Police Constable, to the Receiver of the Metropolitan Police.

And

And be it further Enacted, That if any Driver, Conductor, Waterman or Proprietor shall be summoned before any Justice of the Peace to answer any complaint made against him by any Person other than an Officer of Stamps and Taxes, or any Police Constable, touching or concerning any offence committed, or alleged to have been committed by such Driver, Conductor, Waterman or Proprietor respectively against the provisions of this Act, or against any such orders and regulations made as aforesaid, and such complaint shall afterwards be withdrawn or quashed or dismissed, or if the defendant shall be acquitted of the offence charged against him, it shall be lawful for such Justice to order and award that the Informer or Person making such complaint shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time and for the time of his witnesses (if any) in attending such Justice, touching or concerning such complaint, as to such Justice shall seem reasonable; and in default of immediate payment of the sum so awarded, it shall be lawful for such Justice, at his discretion, to commit such Person to the common Gaol or House of Correction for any time not exceeding *One* calendar Month, unless the same shall be sooner paid, or to cause the same to be levied by distress and sale of the goods and chattels of the Person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such Person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, then it shall be lawful for such Justice to commit such Person to the common Gaol or House of Correction for any time not exceeding *One* calendar Month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

35.
Justices empowered to award Costs to Defendant where complaints are withdrawn or dismissed in certain cases.

And be it further Enacted, That any Summons issued by any Justice of the Peace requiring any defendant or any witness or other person to appear before such Justice, or any other Justice, with reference to any complaint or other proceeding for the recovery of any Penalty or Compensation or Costs under this Act, or such Orders and Regulations as aforesaid, or any Notice required by this Act, shall be deemed to be well and sufficiently served in case either the Summons, or a copy thereof, or such Notice be delivered to any such Person as aforesaid, or to the husband, wife or servant of such Person, or be left at his usual or last place of residence, or (in case such Person be a licensed Driver, Conductor, Waterman or Proprietor of a Hackney Carriage or Omnibus), at the place specified in any such License as the place of abode of such Driver, Conductor, Waterman or Proprietor (as the case may be); and if any Constable or other Peace Officer shall refuse or neglect to serve or execute any Summons, Warrant or Order granted, issued or made by any Justice of the Peace, pursuant to any of the provisions of this Act, every such Constable or Peace Officer so offending shall forfeit any sum not exceeding *Ten* Pounds.

36.
Service of the Justices' Summons and other Notices.

Penalty on Constables refusing to serve a Summons, Warrant, &c.

37.

Proceedings
to be drawn
up according
to Forms in
Schedule.

And be it further Enacted, That every Summons, Conviction, Warrant of Distress or Commitment, or other such proceeding which shall be had or taken for the recovery of any Penalty, Compensation or Costs under the provisions of this Act, or such Rules, Orders and Regulations as aforesaid, may be drawn or made out according to the several Forms contained in the Schedule hereunto annexed, or to the effect thereof, mutatis mutandis, as the case may require; and every such Summons, Conviction, Warrant, or other such proceeding which shall be so drawn or made out shall be good and effectual to all intents and purposes whatsoever, without stating the case, or the facts or evidence in any more particular manner than is required in and by such Forms respectively. 5 10

38.

Limitation of
Actions.

And be it further Enacted, That all actions and prosecutions which shall be brought or commenced against any Person for any thing done in pursuance or under the authority of this Act, or of such Orders and Regulations as aforesaid, shall be commenced and prosecuted within *Three* calendar Months next after the fact committed, and not afterwards, and shall be brought and tried in the City of London or the City of Westminster, and not elsewhere; and Notice in writing of such action, and of the cause thereof, shall be given to the defendant *One* calendar Month at least before the commencement of the action; and the defendant in such action may plead the General Issue, and give this Act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from any matter or thing done in pursuance and by the authority of this Act, or of any such Orders and Regulations as aforesaid, or if any such action shall be brought after the expiration of such *Three* calendar Months, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into Court after such action commenced, by or on behalf of the defendant, the Jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit, as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had, shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon. 15 20 25 30 35 40

c.

Notice of
Action.

General Issue.

Tender of
Amends.

And

10 And be it further Enacted, That this Act shall commence and take effect on the *Sixth* day of *June One thousand eight hundred and Thirty-six*: Provided always, That it shall be lawful for the said Registrar, at any time during the period of *One* calendar Month preceding the said *Sixth* day of *June*, to grant and issue Licenses and Tickets under any of the provisions of this Act, to commence and take effect upon the said *Sixth* day of *June*; and all Licenses which shall be so granted and issued shall be dated on the said *Sixth* day of *June*, and shall be valid and effectual to all intents and purposes; any thing hereinbefore contained to the contrary notwithstanding.

39.
Commence-
ment of this
Act.
Licenses and
Tickets may
be issued
within One
Month before
the com-
mencement of
the Act.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

40.
Act may be
altered this
Session.

THE SCHEDULE

TO WHICH THIS ACT REFERS.

No. 1.

FORM of a SUMMONS on Complaint made for the Recovery of a Penalty or Compensation under this Act.

To E. O. of, &c.

County [or, as the
case may be]
of } WHEREAS complaint hath been this day made
to wit. } by A. B., before me, C. D., esquire, one of His
Majesty's Justices of the Peace for the
of for that you, on the day of
at did [here state the substance of the charge]:
These are therefore, in His Majesty's name, to require you personally
to appear before me the said Justice, or such other of His Majesty's
Justices of the Peace for the said as shall be sitting at
on the day of at the
hour of of the clock, then and there to answer thereto.
Given under my hand and seal, this day of
in the year of our Lord

C. D.

No. 2.

FORM of a CONVICTION on the foregoing Complaint, with Order of Imprisonment on Non-payment of the Penalty or Compensation.

County [or, as the
case may be] } BE it Remembered, That on the
of day of in the year of our Lord
to wit. } at

in the said county of [or, city, liberty or place, as the
case may be], A. B. is duly convicted before me, C. D., one of His
Majesty's Justices of the Peace for the county of [or, city,
&c.] for that he the said A. B. did [here insert the offence, day
and place], contrary to the Statute in that case made and provided, [or,
contrary to the Orders and Regulations made in pursuance of an Act
passed in the year of the reign of King WILLIAM the Fourth,
intituled, " An Act," &c. title of the Act]: I do therefore adjudge the
said A. B. to forfeit and pay the sum of
[Penalty], and also the sum of [Compensation,
if any]; and also the sum of for Costs; and in
default of immediate payment of the said sums [or, if time is given for
payment, in default of payment of the said sums on or before the
day of] to be imprisoned in the
[prison], and there to be kept to hard labour
[as the case may be] for the space of
unless the said sums shall be sooner paid; and I do direct the said
sum of [penalty] to be paid to
to be applied according to the directions of the statute in that case
made and provided, [or, if penalty and compensation are ordered, the
sum of [penalty] to be paid [as above]; and
the said sum of [compensation] to be paid to the
party aggrieved, and the said sum of [costs] to
be paid to [party.]

Given under my hand and seal, the day and year first above written.

C. D.

No. 3.

FORM of a CONVICTION on the foregoing Complaint, without an Order of Imprisonment.

County [or, as the
case may be] } BE it Remembered, That on the day of
of at C. D., of, &c.,
to wit. } was duly convicted before me one of
His Majesty's Justices of the Peace for in pursuance of an Act
passed

passed in the year of the reign of His Majesty King WILLIAM the Fourth, intituled, "An Act," &c. [title of this Act], for that the said C. D. on the day of did [here state the offence, as the case may happen to be], contrary to the form of the Statute in that case made and provided, [or, contrary to the Orders and Regulations made in pursuance of the said Act]; for which offence I do adjudge that the said C. D. hath forfeited the sum of

over and above the sum of for the costs and charges of E. F. the Informer in prosecuting this Conviction.

Given under my hand and seal the day and year first above written.

A. B.

No. 4.

FORM of a WARRANT of DISTRESS founded on the foregoing Conviction.

To the Constable of in the of

County [or, as the
case may be] } WHEREAS E. O., of, &c., has been duly con-
of } victed of a certain offence, for that [here state the
to wit. } offence as in the Conviction], whereby he hath for-

feited the sum of over and above the reasonable costs and charges of the Informer, allowed and assessed at the sum of

Therefore I command you to levy the said sum of
and also the said sum of

for the costs and charges aforesaid, making together the sum of

by distraining the goods and chattels of the said E. O. ;
and if within the space of *Five Days* next after such distress taken, the said sum of together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then I order and direct, that you shall sell and dispose of the said goods and chattels which shall be so distrained, seized and taken as aforesaid, and shall levy and raise thereout the said sum of and all reasonable costs and charges of taking and keeping and selling such distress, rendering the overplus (if any) to the owner of the said goods and chattels ; and you are to certify to me what you shall have done by virtue of this my Warrant.

Given under my hand and seal the day of

(signed)

One of His Majesty's Justices of the Peace for
the said of

No. 5.

FORM of a WARRANT of COMMITMENT for want of a sufficient Distress, founded on the foregoing Conviction.

To the Constable of _____ and to the Keeper of the common Gaol [or, House of Correction] at _____ in the said

County [or, as the case may be] } WHEREAS E. O. of, &c. has been duly convicted
of } of a certain offence, for that [here state the offence as
to wit. } in the Conviction], whereby he hath forfeited the sum
of _____ over and above the reasonable costs and charges
of the Informer, allowed and assessed at the sum of _____
making together the sum of _____ : And whereas it has
been duly made to appear to me, that no sufficient distress can be
found whereon to levy the said sum of _____ ; therefore
I command you, the Constable of _____ to apprehend and
take the said E. O., and safely to convey him to the common Gaol
[or, House of Correction] at _____ in the _____ of _____
and there to deliver him to the Keeper thereof, together with this
Warrant : And I do hereby command you, the said Keeper, to receive
into your custody in the said Gaol [or, House of Correction] him, the
said E. O., and him therein safely to keep for the space of _____
unless the said sum of _____ shall be sooner paid.

Given under my hand and seal the _____ day of _____

(signed)

One of His Majesty's Justices of the Peace for the
said _____ of _____

No. 6.

FORM of a SUMMONS to the Proprietor of a Hackney Carriage or Omnibus, to produce the Driver or Conductor thereof to answer a Complaint.

To E. F., of, &c., Proprietor of the Hackney Carriage, Number _____, [or, Omnibus, Number _____]

WHEREAS complaint hath been made by C. D. against the Driver of the Hackney Carriage, Number _____ [or, the Driver or Conductor of the Omnibus, Number _____], on the _____ day of _____ now last past [or, instant], of which said Carriage you were then the Proprietor, charging that the said Driver [or, Conductor] on the said _____ day of _____ now last past [or, instant], at or about the hour of _____ did [here state the alleged Offence] : These are therefore to require you personally to appear before me, or such other of His Majesty's Justices of the Peace as shall be present, at _____ on the _____ day of _____ at _____ of the clock in the _____ noon, or then

(signed)

FORM of a WARRANT of DISTRESS for levying upon the Proprietor of a Hackney Carriage or Omnibus the Penalty in which the Driver or Conductor thereof has been convicted.

County, [or, as the
case may be } WHEREAS C. D., the Driver of the Hackney Car-
of } riage, number [or, the Driver or Con-
to wit. } ductor of the Omnibus, number] on

FORM of WARRANT of COMMITMENT of the Proprietor of a Hackney Carriage or Omnibus for want of a sufficient Distress whereon to levy the Penalty in which the Driver or Conductor of such Carriage has been convicted.

County [or, as the
case may be]
of } WHEREAS, &c. [proceed as in Form No. 7, to
fo wit. } the words "which he hath neglected and refused to
do" inclusive]: And whereas it has been duly made

Hackney Carriages (Metropolis.)

A

B I L L

For the better Regulation of Hackney Carriages
and of Omnibuses used in and near the
Metropolis, and of the Drivers and Attendants
thereof.

(Prepared and brought in by
Mr. Alderman Wood & Mr. Thomas Gladstone).

*Ordered, by The House of Commons, to be Printed,
15 February 1836.*

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A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the better Regulation of Hackney Carriages and of Omnibuses used in and near the Metropolis, and of the Drivers and Attendants thereof.

[Note.—The Clauses marked (A.), (B.) and (C.) were added by the Committee.]

WHEREAS great obstructions and other inconveniences are occasioned to the Public by the misconduct of the Drivers of Hackney Carriages and of Metropolitan Stage Carriages in and near the Metropolis, in stopping and loitering with the same in the public streets and thoroughfares, for the purpose of plying for hire or for passengers, and in driving the same in an improper manner; and it is expedient that the Drivers of Hackney Carriages, and the Drivers and the Conductors of Metropolitan Stage Carriages in and near the Metropolis, and the Watermen at standings for Hackney Carriages should be licensed, and that further provisions should be made for the regulation of such Hackney Carriages and Metropolitan Stage Carriages, and the Drivers, Conductors, Watermen and Attendants thereof; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act (except where the nature of the provisions or the context of the Act shall exclude such construction) be interpreted as follows; (that is to say) the words "Hackney Carriage" shall include every Carriage, except a Stage Carriage, or a Carriage drawn or impelled by the power of steam, or otherwise than by animal power, with Two or more Wheels, which shall be used for the purpose of standing or plying for a passenger or passengers for hire at any place within the distance of Ten Miles from

Preamble.

1.
Meaning of the words in the Act.

"Hackney Carriage."

Provisions of 1 & 2
W. 4, c. 22. extended
to Hackney Carriages
within Ten Miles from
the Post-office; but
Licenses of Water-
men to cease, and to
be renewed by the
Registrar.

"Metropolitan Stage
Carriage."

"Limits of this Act."

"Proprietor."

"Conductor."

"Waterman."

"Passenger."

"Horse."

Number and Gender.

the General Post Office in the City of *London*; and that so much of
an Act passed in the first and second years of the reign of His present
Majesty, intituled, "An Act to amend the Laws relating to Hackney
Carriages, and to Waggon, Carts and Drays used in the Metropolis,
and to place the Collection of the Duties on Hackney Carriages, and 5
on Hawkers and Pedlars in *England*, under the Commissioners of
Stamps," as relates to Hackney Carriages and to Watermen, shall
extend and apply to Hackney Carriages and to Watermen within the
meaning of this Act: Provided nevertheless, That every License to
act as a Waterman, and all power to grant such Licenses by virtue of 10
the said recited Act shall cease and determine; and every Person to
whom any such License shall have been granted shall, within One
calendar Month before the commencement of this Act, deliver up to
the Registrar appointed under the authority of this Act, the License
and the Badge to which every such License relates, and shall there- 15
upon be entitled to a new License and Ticket from the said Registrar
in manner hereinafter mentioned; and the words "Metropolitan Stage
Carriage" shall include every Stage Carriage except such as shall,
on every journey, go to or come from some town or place beyond the
limits of this Act; and the words "limits of this Act" shall include every 20
place within the distance of Ten Miles from the General Post Office in
the City of *London*, and the whole of every town, village or hamlet, any
part or portion of which shall be within the said distance from the said
General Post Office; and the word "Proprietor" shall include every
person who shall, either solely or in partnership with any other person, 25
be concerned in keeping any Hackney Carriage or any Metropolitan
Stage Carriage, or who shall be concerned otherwise than merely as a
Driver or attendant in using or employing for hire any Hackney Carriage
or any Metropolitan Stage Carriage; and the word "Conductor" shall
include every director, cad or other person, except the Driver, who 30
shall be attendant upon or with any Metropolitan Stage Carriage;
and the word "Waterman" shall include every assistant to Drivers of
Hackney Carriages at the standings or places where Hackney Carriages
usually stand or ply for hire; and the word "Passenger" shall include
every person carried by any Hackney Carriage or by any Metropolitan 35
Stage Carriage, except one Driver, and where there shall be a Con-
ductor to such Metropolitan Stage Carriage, one Conductor; and the
word "Horse" shall include every mare or gelding; and every word
importing the singular number only shall extend and be applied to
several persons and things as well as one person or thing; and every 40
word importing the masculine gender only shall extend to a female as
well as a male.

2.
Plates of Metropo-
litan Stage Carriages
to be distinguished
from Plates of other
Stage Carriages.

And be it further Enacted, That the numbered Plates which are re-
quired to be and are to be delivered by the Commissioners of Stamps and
Taxes, and to which the License for every Metropolitan Stage Carriage
shall

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shall relate, shall be distinguished in colour, and in any other respect which the said Commissioners may from time to time think expedient, from the numbered Plates which have been and shall be delivered for and to which the Licenses for any other Stage Carriages relate; and the said
 5 Commissioners of Stamps and Taxes are hereby required before the commencement of this Act, to recall such Plates as shall have been delivered for Metropolitan Stage Carriages for the purpose of changing the same for other Plates to be distinguished from the Plates to be
 10 Carriage as aforesaid; and every Carriage which shall be seen standing in or travelling upon any Highway, or other Street or Road within the limits of this Act, having thereupon any numbered Plate hereby required to be delivered by the Commissioners of Stamps and Taxes, shall be deemed and taken to be a Metropolitan Stage Carriage within
 15 the meaning of this Act, without further or otherwise describing the same.

And be it Enacted, That there shall be charged upon and in respect of every License to be granted under the authority of this Act as hereinafter provided, a Duty of Five Shillings, and that the same shall be
 20 under the care and management of the Commissioners of Stamps and Taxes, and shall be denominated and deemed to be a Stamp Duty, and shall be raised, levied, paid, secured and accounted for under the provisions of any Act or Acts in force or to be in force for raising, levying or securing the Stamp Duties, or any of them; and it shall be
 25 lawful for the said Commissioners, and they are hereby required, upon application for that purpose made by the Person who for the time being shall be the Registrar of Metropolitan Public Carriages, duly appointed under the provisions hereinafter contained, to issue to such Person vellum, parchment or paper for such Licenses, duly stamped,
 30 for denoting the Duties charged by this Act, either upon the present payment of the Duties payable on such Licenses, or upon giving such security for the payment thereof, and upon such terms and subject to such regulations as the said Commissioners shall think proper.

3.

CLAUSE (A.)
 Stamp Duty of Five Shillings on every License granted under this Act.

Commissioners of Stamps and Taxes to issue stamped Paper for Licenses on payment of the Duties or on Security given.

4.

CLAUSE (B.)
 Secretary for the Home Department to appoint Registrar and Clerks.

And be it Enacted, That it shall be lawful for His Majesty's Principal
 35 Secretary of State for the Home Department for the time being, to nominate and appoint a fit and proper Person, to be called the Registrar of Metropolitan Public Carriages, by whom the several Licenses and Tickets to be granted and issued to Drivers of Hackney Carriages, and to Drivers and Conductors of Metropolitan Stage Carriages, and
 40 to Watermen, as hereinafter directed, shall be granted and issued, at such convenient place as the said Secretary shall direct and appoint, and also all such Clerks and other Officers as the said Secretary shall deem necessary for the assistance of such Registrar in the due execution of this Act; and the said Secretary may at his discretion remove

Treasury to fix Salaries of Registrar, and Clerks to be paid by the Commissioners of Stamps and Taxes.

any of the Persons so being such Registrar, Clerks and Officers appointed as aforesaid, and upon any vacancy occasioned by such removal or otherwise, appoint some other fit and proper Person to be such Registrar, Clerk or Officer ; and it shall be lawful for the Lords Commissioners of His Majesty's Treasury to fix and appoint such 5 Salaries to be paid to such Registrar, Clerks and Officers as they shall think proper, which Salaries, together with such other expenses in and about the execution of this Act as the said Lords Commissioners shall direct, shall be paid by the said Commissioners of Stamps and Taxes out of any monies to arise from any of the Duties under their care 10 and management.

5. Every Driver, Conductor and Waterman to have a License and Ticket.

And be it further Enacted, That it shall not be lawful for any Person to act as Driver of any Hackney Carriage, or as Driver or as Conductor of any Metropolitan Stage Carriage, whether such Person shall or shall not be the Proprietor of such Carriage, or for any Person 15 to act as a Waterman, unless such Person shall have a License so to do, and a numbered Ticket granted to him under the authority of this Act and remaining in force ; and if any Person shall act as such Driver or Conductor or Waterman without such License and Ticket, or if any Person to whom any such License and Ticket shall have been granted, 20 shall, except in compliance with the provisions of this Act, transfer or lend such License, or permit any other person to use or wear such Ticket, he shall for every such offence forfeit any sum not exceeding Five Pounds ; and if any Proprietor shall knowingly permit or suffer any Person not duly licensed under the authority of this Act, to act 25 as Driver of any Hackney Carriage, or as Driver or as Conductor of any Metropolitan Stage Carriage of which he shall be the Proprietor, such Proprietor shall for every such offence forfeit any sum not exceeding Ten Pounds : Provided always, That in case sudden illness or any other accident shall prevent any Driver or Conductor in the service 30 of any Proprietor from acting as such Driver or Conductor, any competent Person may lawfully be employed in his place for any time not exceeding Twelve Hours next after such accident ; and no penalty shall be payable by such Proprietor, or the Person so employed, if it shall satisfactorily appear to any Justice of the Peace that no licensed 35 Person could be procured to act as such Driver or Conductor.

Not to transfer License or Ticket.

Proprietors not to allow unlicensed Persons to act as Drivers or as Conductors ;

but in case of accident unlicensed Persons may be employed for any time not exceeding Twelve Hours.

6. Registrar to grant License to act as a Driver, &c. on payment of Five Shillings and production of Certificate.

And be it further Enacted, That it shall be lawful for the said Registrar, and he is hereby required, upon the payment of the sum of Five Shillings, to grant to any Person of competent age and ability who shall produce such a Certificate of his ability to drive and of his 40 good character as shall be satisfactory to the said Registrar, a License to act as Driver of any Hackney Carriage, or a License to act as Driver of any Metropolitan Stage Carriage (as the case may be), and in like manner to grant to any Person, upon the production of a Certificate

Certificate of his good character as aforesaid, a License to act as Conductor of any Metropolitan Stage Carriage, or a License to act as a Waterman: Provided always, That it shall be lawful for the said Registrar to refuse to grant any such License under such circumstances as he shall think proper; and in every such License there shall be specified the Number of such License, and the proper Name and Surname, and Place of Abode, and Age, and a description of the Person to whom such License shall be granted; and in the case of a Waterman, of the Standing or Place at which he shall thereby be authorized to act as Waterman; and every such License shall bear date on the day on which the same shall be granted, and shall continue in force until and upon the First day of June next after the date thereof, except the same shall be sooner revoked, and except during such period as the same shall be suspended: Provided also, That it shall be lawful for the said Registrar, at any time during the period of One calendar Month preceding the First day of June in any year, to grant and issue such Licenses, to commence and take effect from the day of the date thereof, and to continue in force (except as aforesaid) until and upon the First day of June in the year next following that in which the same shall be granted; and in one or more book or books to be provided and kept for that purpose, there shall be entered the particulars of every License which shall be granted as aforesaid; and in all Courts, and before any Justice of the Peace, and upon all occasions whatsoever, the entries made or contained in any such book or books shall be received as evidence, and be deemed sufficient proof of all matters and things therein registered or contained, without requiring the production of any License, or of any requisition, or other document upon which any such entries may be founded, and without any further proof than the production of such book or books; and any Person shall be at liberty to inspect any such book or books without payment of any fee or reward.

What shall be specified in the Licenses.

Particulars of Licenses to be entered in Book at the Registrar's Office.

And be it further Enacted, That before any such License as aforesaid shall be granted, a requisition for the same, in such form as the said Registrar shall from time to time provide for that purpose, and accompanied with such certificate as hereinbefore is required, shall be made and signed by the Person to whom such License is requested to be granted; and in every such requisition there shall be truly specified and set forth the proper name and surname, and place of abode and age of the Person applying for such License; and if any Person applying for and procuring, or attempting to procure, any such License, shall make or cause to be made any false representation in regard to his name or place of abode, or age, or if he shall not truly answer all questions which shall be demanded of him in relation to such application for a License, or if any Person to whom reference shall be made, shall in regard to such application

7.
Persons applying for Licenses to sign a Requisition for the same.

Persons making false representations to forfeit Five Pounds, and License may be revoked.

wilfully or knowingly make any misrepresentation with the intention of deceiving the said Registrar, each and every Person so offending shall forfeit for every such offence any sum not exceeding Five Pounds; and it shall be lawful for any Justice of the Peace, upon proof of any such offence, to revoke any License which shall have 5
been granted under any such false representation.

8.

Notice to be given by Drivers, Conductors and Watermen of any change of abode.

If notice not given, to forfeit Twenty Shillings.

And be it further Enacted, That as often as any Driver, Conductor or Waterman shall change his place of abode, he shall within Two Days next after such change give notice thereof in writing, signed by him, to the said Registrar, specifying in such notice his new place of abode, and shall at the same time produce his License to the said Registrar, who shall indorse thereon a Memorandum, specifying the particulars of such change; and if any Driver, Conductor or Waterman shall change his place of abode, and shall neglect or omit to give notice of such change, or to produce his License in order that such Memo- 10
randum as aforesaid may be indorsed thereon, within the time and in the manner limited and directed by this Act, he shall forfeit for every such offence any sum not exceeding Twenty Shillings; and it shall not be necessary for the Proprietor of any Hackney Carriage to give any such account as aforesaid to the Commissioners of Sewers at the 20
Guildhall in the City of London, any thing in the said recited Act of the first and second years of His present Majesty's reign to the contrary notwithstanding.

9.

Tickets to be delivered with Licenses, and carried by Drivers, Conductors and Watermen.

Penalty for neglect or refusing to permit any person to inspect such Ticket, Forty Shillings.

And be it further Enacted, That the said Registrar shall at the time of granting any such License, deliver to the Driver, Conductor or 25
Waterman to whom the same shall be granted, an abstract of the Laws in force relating to such Driver, Conductor or Waterman, and of the penalties to which he is liable for any misconduct, and also a Metal Ticket upon which there shall be marked or engraved his office or employment, and a Number corresponding with the Number which shall 30
be inserted in such License; and every such Driver or Conductor shall carry such Ticket with him at all times during his employment, and when he shall be required to appear before any Justice of the Peace; and every such Waterman shall at all such times wear such Ticket conspicuously upon his breast in such manner that the Number thereon 35
shall be distinctly visible and legible; and if any Driver, Conductor or Waterman shall act as such, or shall attend when required before any Justice of the Peace without having or wearing such Ticket in manner aforesaid, or shall when thereunto required refuse to produce such Ticket for inspection, or to permit any Person to note the number 40
thereon, he shall for every such offence forfeit any sum not exceeding Forty Shillings.

- And

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10.

Licenses and Tickets to be delivered up on the discontinuance of Licenses :
Penalty Five Pounds on Persons wearing a Ticket without having a License, and on Persons wearing a fictitious Ticket.

And be it further Enacted, That upon the expiration of any License granted under this Act, the Person to whom such License shall have been granted shall deliver up such License and the Ticket relating thereto to the said Registrar; and if after the expiration of such
5 License such Person shall use or wear the Ticket relating thereto, or shall neglect for the space of Three Days to deliver the same to the said Registrar; or if any Person shall use or wear or detain any Ticket without having a License in force relating to such Ticket; or shall for the purpose of deception use or wear or have any Ticket
10 resembling or intended to resemble any Ticket granted by the authority of this Act, he shall for every such offence forfeit any sum not exceeding Five Pounds; and it shall be lawful for any Peace Officer to seize and take away any such Ticket wheresoever the same may be found, in order to deliver the same to the said Registrar.

11.

New Tickets to be delivered in lieu of defaced or lost Tickets.

And be it further Enacted, That whenever the Number on any
15 Ticket shall become obliterated or defaced so that the same shall not be distinctly visible and legible, and also whenever any Ticket shall be proved to the satisfaction of the said Registrar to have been lost or mislaid, the Person to whom the License relating to any such Ticket shall have been granted shall surrender and deliver up such Ticket (if
20 he shall have the same in his possession), and shall produce such License to the said Registrar; and such Person shall then be entitled to have a new Ticket delivered to him in lieu of the Ticket so delivered up or lost or mislaid, upon payment for the use of His Majesty of the sum of Three Shillings for each Ticket: Provided always, That if any Ticket
25 which shall have been proved as aforesaid, or represented to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered up to the said Registrar; and if any Person into whose possession any such Ticket as last aforesaid shall be or come shall refuse or neglect for the space of Three Days to deliver up the same to the
30 said Registrar; or if any Person licensed under the authority of this Act shall use or wear the Ticket granted to him after the Number thereon shall be in any manner obliterated, defaced or obscured, so that the same shall not be distinctly visible and legible, he shall for every such offence forfeit any sum not exceeding Forty Shillings.
35

Penalty for wearing a Ticket after it has been defaced, Forty Shillings.

12.

Forgery of License or Ticket a Misdemeanor.

And be it further Enacted, That if any Person shall forge or counterfeit, or shall cause or procure to be forged, counterfeited or resembled any License or Ticket by this Act directed to be provided for the Driver of a Hackney Carriage, or for the Driver or the Conductor of a Metropolitan Stage Carriage, or for any Waterman; or if any Person shall
40 sell or exchange, or expose to sale or utter any such forged or counterfeited License or Ticket; or if any Person shall knowingly and without lawful excuse (the proof whereof shall lie on the Person accused) have or be possessed of such forged or counterfeited License or Ticket, knowing

such License or Ticket to be forged or counterfeited, every Person so offending, and every Person knowingly and wilfully aiding, abetting or assisting any Person in committing any such offence as aforesaid, shall be adjudged guilty of a Misdemeanor, and being thereof convicted shall be liable to be punished by fine or imprisonment, or by both, such imprisonment to be in the common Gaol or House of Correction, and either with or without hard labour, as the Court shall think fit ; and it shall be lawful for any Person to detain any such License or Ticket, or for any Peace Officer to seize and take away any such License or Ticket, in order that the same may be produced in evidence against such Offender, or be disposed of as the said Registrar shall think proper.

13.
Proprietor to retain the License of Drivers or Conductors when in his employ ;

and to produce the same when summoned.

Justices may indorse Licenses.

Penalty on Proprietor for neglect, Three Pounds.

14.
Proprietor to return License to Drivers or Conductors when quitting his service, if they behave well. If they have misconducted themselves, Proprietor to summon such Driver or Conductor.

And be it further Enacted, That if the Proprietor of any Hackney Carriage or of any Metropolitan Stage Carriage shall permit or employ any Licensed Person to act as the Driver or the Conductor thereof, then and in every such case such Proprietor shall require to be delivered to him, and shall retain in his possession the License of such Driver or Conductor during such time as such Driver or Conductor shall remain in his employ ; and in all cases of complaint, where the Proprietor of a Hackney Carriage or of a Metropolitan Stage Carriage shall be summoned to attend before a Justice of the Peace, or to produce the Driver or the Conductor of such Carriage, the Proprietor so summoned shall also produce the License of such Driver or Conductor if he shall then be in his employ ; and if any Driver or Conductor complained of shall be adjudged guilty of the offence alleged against him, it shall be lawful for such Justice to make an indorsement upon the License of such Driver or Conductor, stating the nature of the offence and the amount of the penalty inflicted ; and if any Proprietor shall neglect to require to be delivered to him and to retain in his possession the License of any Driver or Conductor during such period as such Driver or Conductor shall remain in his employ, or shall refuse or neglect to produce such License as aforesaid, such Proprietor shall for every such offence forfeit any sum not exceeding Three Pounds.

And be it further Enacted, That when and so often as any Driver or Conductor shall leave the service of the Proprietor by whom he shall have been employed, and shall not have been guilty of any misconduct, such Proprietor shall forthwith return to such Driver or Conductor the License belonging to him ; but if such Driver or Conductor shall have been guilty of any misconduct, then and in any such case such Proprietor shall not return the License to such Driver or Conductor, but shall give him notice of the complaint which he intends to prefer against him, and shall forthwith summon such Driver or Conductor to appear before any Justice of the Peace to answer the said complaint, and such Justice, having the necessary parties before him, shall inquire into and deter-

mine

mine the matter of complaint; and if upon the inquiry it shall appear that the License of such Driver or Conductor has been improperly withheld, it shall be lawful for such Justice to direct immediate re-delivery of such License, and to award such sum of money as he shall think proper to be paid by such Proprietor to such Driver or Conductor by way of compensation.

Compensation if License has been improperly withheld.

And be it further Enacted, That it shall be lawful for any Justice of the Peace before whom any Driver, Conductor or Waterman shall be convicted of any offence, whether under this Act or any other law, if such Justice in his discretion shall think proper, to suspend for any period not exceeding Two calendar Months the License granted to such Driver, Conductor or Waterman under this Act; and it shall also be lawful for any Two Justices of the Peace, upon proof that any Driver, Conductor or Waterman has been convicted of felony or of knowingly receiving stolen property, or upon the conviction before them for a Second offence of any Driver or Conductor for furious or wanton or negligent driving, or for detaining property left in any Hackney Carriage or in any Metropolitan Stage Carriage, or for wilfully defrauding his employer, or for refusing or neglecting to attend before any Justice when lawfully required so to do, if such Justices in their discretion shall think proper to revoke the License granted to such Driver, Conductor or Waterman under this Act; and whenever the License of any Driver, Conductor or Waterman shall be suspended or revoked as aforesaid, it shall be lawful for any Justice of the Peace to require any Proprietor to deliver up forthwith to such Justice the License of such Driver or Conductor, if the same shall then be in his possession, or to require such Driver, Conductor or Waterman to deliver up forthwith to such Justice his License and the ticket relating thereto; and if any Proprietor, Driver, Conductor or Waterman shall, upon being so required, refuse or neglect to deliver up such License or any such Ticket, he shall forfeit any sum not exceeding Five Pounds; and every Justice to whom any License or any Ticket shall be delivered up, shall forthwith transmit the same to the said Registrar, who shall at the expiration of the period for which any such License shall have been suspended, re-deliver such License with the Ticket to the Person to whom it shall have been granted.

15.
Licenses may be suspended, and for certain offences revoked by Justices.

Justices empowered to require Licenses or Tickets to be delivered up to them.

Penalty Five Pounds.

And be it further Enacted, That if the Driver of any Hackney Carriage, not being the Proprietor thereof, shall abandon or leave such Carriage, or shall not return the same to the Proprietor thereof, he shall for every such offence forfeit any sum not exceeding Ten Pounds; and if any Driver or Conductor, authorized by any Proprietor to act as Driver of any Hackney Carriage, or as Driver or as Conductor of any Metropolitan Stage Carriage, shall permit or suffer any other Person to act as Driver of such Hackney Carriage, or as Driver or as Conductor of such Metropolitan Stage Carriage, without the consent

16.
Penalty on Driver leaving his Carriage and absconding, Ten Pounds; and on Drivers or Conductors permitting others to act in their places, Forty Shillings;

and on Persons who shall so act, Five Pounds, and they may be apprehended and conveyed before a Justice of the Peace.

of the Proprietor thereof (except in the cases hereinbefore mentioned), he shall forfeit for every such offence any sum not exceeding Forty Shillings; and every Person who shall act as Driver or as Conductor of any such Carriage without the consent of the Proprietor thereof (except in the cases hereinbefore mentioned), shall for every such offence forfeit any sum not exceeding Five Pounds; and it shall be lawful for any Police Constable, without any Warrant for that purpose, to apprehend any Person unlawfully acting as a Driver or as a Conductor, and to carry and convey him before any Justice of the Peace having jurisdiction where the offence shall be committed, to be dealt with according to law.

17.
Wanton or furious driving or negligent or wilful misbehaviour of Drivers of Carriages, Penalty Three Pounds;

or they may be committed to prison for Two Months.

Compensation for hurt or damage not exceeding Five Pounds, to be paid by the Proprietor,

who shall recover of the Driver.

And be it further Enacted, That if the Driver of any Hackney Carriage or of any Metropolitan Stage Carriage shall be guilty of wanton or furious driving, or shall, by negligence, wilful misbehaviour or any other misconduct, cause any hurt or damage to any person or property being upon any street or highway; or if any Driver, Conductor or Waterman shall during his employment be intoxicated, or shall make use of any indecent or abusive language, he shall for every such offence forfeit any sum not exceeding Three Pounds; or it shall be lawful for the Justice before whom such complaint shall be brought, if in his discretion he shall think proper, instead of inflicting such penalty, forthwith to commit such Offender to prison for any period not exceeding Two calendar Months, with or without hard labour, as such Justice shall direct; and in every case where any such hurt or damage shall have been caused, such Justice may direct and award that the Proprietor of any Hackney Carriage or of any Metropolitan Stage Carriage, when the Driver thereof has caused any hurt or damage as aforesaid, shall pay such a sum, not exceeding Five Pounds, as shall appear to the Justice of the Peace before whom the complaint shall be brought to be a reasonable compensation to the person so aggrieved or injured; and every Proprietor who shall pay any compensation as aforesaid, shall be entitled to recover the same from his Driver in a summary manner as hereinafter directed.

18.
Penalty if Hackney Carriage or Metropolitan Stage Carriage be in a broken or dirty state, or be employed with unfit horses, Forty Shillings.

And be it further Enacted, That if any Hackney Carriage or any Metropolitan Stage Carriage shall be employed in plying for hire with any broken window, door or step, or otherwise than in a safe, clean and proper condition for the reception and conveyance of passengers; or if any Hackney Carriage or any Metropolitan Stage Carriage shall be employed in plying for hire with dangerous or unfit horses, the Proprietor of such Carriage shall for every such offence forfeit any sum not exceeding Forty Shillings.

19.
Limit of the number of

And be it further Enacted, That no Metropolitan Stage Carriage shall be licensed to carry more than Eighteen Passengers, or more than

than Fourteen Inside Passengers; and that every such Carriage
licensed to carry Seven Inside Passengers, or licensed to carry Eight
Inside Passengers, shall be at the least in the inside Five Feet Four
Inches in length; and that every such Carriage licensed to carry Nine
5 Inside Passengers, or licensed to carry Ten Inside Passengers, shall
be at the least in the inside Six Feet Ten Inches in length; and that
every such Carriage licensed to carry Eleven Inside Passengers, or
licensed to carry Twelve Inside Passengers, shall be at the least in
the inside Eight Feet Four Inches in length; and that every such
10 Carriage licensed to carry Thirteen Inside Passengers, or licensed
to carry Fourteen Inside Passengers, shall be at the least in the
inside Nine Feet Six Inches in length; and that every Metropolitan
Stage Carriage licensed to carry more than Six Inside Passengers, which
shall be built and employed after the commencement of this Act, shall
15 be at the least Five Feet in height as measured from the floor of such
Carriage to the inside of the roof thereof, and at the least in the inside
Four Feet Four Inches in width; and if any Metropolitan Stage Carriage
licensed as aforesaid shall be used or employed of smaller dimension in
length than is hereby required for the said number of Passengers respec-
20 tively; or if any Metropolitan Stage Carriage licensed to carry more
than Six Inside Passengers, which shall have been built after the
commencement of this Act (and the proof to the contrary whereof
shall be upon the Proprietor), shall be used or employed of smaller
dimension in height or width than is hereby required, the Proprietor
25 of such Carriage shall for every such offence forfeit any sum not ex-
ceeding Five Pounds; and if the Driver or the Conductor of any
Metropolitan Stage Carriage shall permit or suffer a greater number of
Inside or of Outside Passengers than shall be allowed and specified
in the License relating to such Carriage, or than shall be inscribed
30 upon the Plate or Board to be fixed in the inside of such Carriage as is
hereinafter provided, to be carried or conveyed thereby at one and
the same time, he shall for every such offence forfeit any sum not ex-
ceeding Five Pounds.

Passengers,
and dimension
of Metropo-
litan Stage
Carriage
carrying more
than Six Inside
Passengers.

Length.

Height and
Width of those
built after the
commence-
ment of this
Act.

Penalty, if of
smaller di-
mension or for
carrying a
greater num-
ber of Passen-
gers than
allowed by
License, Five
Pounds.

And be it further Enacted, That in addition to the Plates required by
35 the laws now in force to be fixed on each side of every Metropolitan
Stage Carriage, there shall be fixed on a conspicuous part of the
back of every such Carriage, on the outside, a Plate or Board, having
painted thereon in two lines, in Letters and Figures of white, upon a
black ground, Two Inches in height and of a proportionate breadth, the
40 letters M. S. C. and the Number of the Stamp Office Plate relating to
such Carriage; and there shall also be fixed on a conspicuous part of
every such Carriage, in the inside, a Plate or Board, having painted
thereon in Figures the Number of the Stamp Office Plate relating to
such Carriage, and in Letters and Figures the Number of Passengers
such Metropolitan Stage Carriage is licensed to carry in the Inside

20.
Plates to be
fixed on the
outside and in
the inside of
every Metro-
politan Stage
Carriage.

Penalty for
neglect, &c.
Five Pounds.

and on the Outside of such Carriage, and the Fare to be paid by any Person for being conveyed by such Carriage; and on every such inside Plate or Board, the Figures denoting the Number of such Stamp Office Plate shall be at least Two Inches in height, and any other Figures at least One Inch in height, and the Letters at least One Half Inch in length, and all of a proportionate breadth, and of a Colour different from the Colour of the Ground on which the same shall be painted; and if it shall happen that the said Registrar shall be dissatisfied with the position of any such Plate or Board fixed or placed upon the outside or upon the inside of any such Carriage, and shall direct such Plate or Board to be placed upon some other conspicuous part of the outside or of the inside of any such Carriage, such Plate or Board shall be placed and fixed accordingly upon any part of such Carriage in compliance with such direction; and every such Plate or Board hereby required to be placed and fixed on or in every such Carriage shall be placed and fixed in such manner that the Figures and Letters thereon shall be at all times plainly and distinctly visible and legible; and if the Proprietor of any Metropolitan Stage Carriage shall use or employ any such Carriage without such Plates or Boards painted and fixed in such manner as is hereinbefore directed; or if any Driver or Conductor shall permit or suffer any such Plate or Board, or the Figures or Letters on any such Plate or Board, to be in any manner or by any means concealed from public view, or to be inverted, or to be defaced or obliterated; or shall molest or oppose, or by any means endeavour to prevent any Person in or from inspecting any such Plate or Board fixed or placed on or in any such Carriage, such Proprietor, Driver or Conductor shall forfeit for every such offence any sum not exceeding Five Pounds.

21.
Penalty for
marking upon
Stage Car-
riages any
Inscription
differing from
the License as
to the number
of Passengers
authorized to
be carried
thereby, Five
Pounds.

AND whereas by an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to repeal the Duties under the management of the Commissioners of Stamps on Stage Carriages, and on Horses let for hire in *Great Britain*, and to grant other Duties in lieu thereof, and also to consolidate and amend the Laws relating thereto," it is required that there shall be painted in manner therein mentioned upon every Stage Carriage the greatest number of Passengers allowed to be carried in or by such Carriage; and also when such Carriage shall be licensed to carry both Inside and Outside Passengers, the greatest number of Passengers allowed to be taken in the Inside and on the Outside thereof respectively: AND whereas upon some Stage Carriages there are painted several Inscriptions, differing from each other as to the number of Passengers which such Stage Carriage is licensed to carry, and one or more of them differing in that respect from the License granted for such Stage Carriage, whereby the object and intention of the said last-recited enactment

ment are defeated, and it is expedient to provide a remedy for the same; BE it therefore Enacted, That if any Stage Carriage shall be used, having any Inscription written, painted or marked thereon, or upon any Plate or Board therein, importing or signifying, or intending to import or signify, that such Carriage is licensed, or authorized to carry or convey thereby, either in the whole or in the inside, or on or about the outside thereof, any number of Passengers other than the actual number which such Carriage is by the License relating to the numbered Plate or Plates which shall be fixed or placed upon such Carriage expressly authorized to carry, either in the whole or in the inside, or on or about the outside thereof respectively, the Proprietor of such Carriage shall forfeit for every such offence any sum not exceeding Five Pounds.

And be it further Enacted, That it shall not be lawful for any Person licensed as the Proprietor of a Hackney Carriage under the authority of the said recited Act of the first and second years of His present Majesty's reign, to sell, transfer or lend, or (except in the usual course of his business) to let to hire the Stamp Office Plate relating to any such License, but every such Proprietor shall, so soon as he shall have discontinued the use of the Hackney Carriage in respect of which any License has been granted, re-deliver the Stamp Office Plate relating thereto to the Commissioners of Stamps and Taxes in the manner directed and provided for in the aforesaid Act; and if any Proprietor so licensed as aforesaid shall sell, transfer or lend, or (except in the usual course of his business) let to hire the Stamp Office Plate relating to any such License, he shall for every such offence forfeit any sum not exceeding Ten Pounds; and every Person who shall buy or make use of any Stamp Office Plate as aforesaid, without having a License in force so to do relating to such Plate, shall also forfeit for every such offence any sum not exceeding Ten Pounds; and it shall be lawful for the Commissioners of Stamps and Taxes, or any Person duly authorized by them, to revoke any License, and to recall or to seize and detain the Stamp Office Plate relating thereto, if it shall satisfactorily appear to the said Commissioners that any such Stamp Office Plate hath been sold, transferred or lent, or unlawfully let to hire, or used as aforesaid, or that the Person to whom any such License shall have been granted has neglected or omitted to give due notice of any change in his place of abode, in the manner directed and provided for in the said recited Act: Provided always, That if any Proprietor so unlawfully selling, transferring, lending or letting to hire any such Stamp Office Plate, shall give or produce such evidence as shall procure the conviction of any Person who shall unlawfully have made use of the same, or if any Person who shall have unlawfully made use of any such Stamp Office Plate shall give or produce such evidence as shall procure the conviction of the Person to whom the License relating to such

22.
Licensed Proprietors of Hackney Carriages not to let out the Stamp Office Plates:
Penalty Ten Pounds;

and on Persons using such Plates without having a License, Penalty Ten Pounds.

Plate shall have been granted, who shall have sold, transferred or lent, or unlawfully let the said Plate to hire, then and in every such case, the Person so giving evidence or procuring the conviction of the Offender, in either of the aforesaid cases, shall be exonerated from all penalties in relation to such offence, and shall be entitled to One moiety 5 of the penalty inflicted upon the Offender against whom he shall have so given evidence, or whose conviction he shall have been the means of procuring.

23.

Court of
Mayor and
Aldermen to
appoint places
for Metropo-
litan Stage
Carriages
to stand and
wait in Lon-
don and
Southwark.

And be it further Enacted, That it shall be lawful for the Court of Mayor and Aldermen of the said City of *London*, from time to time, 10 to appoint proper standings or places within the City of *London* and liberties thereof, (except opposite to the General Post Office in *Saint Martin-le-Grand*) and in the Borough of *Southwark*, where Metropolitan Stage Carriages may stand and wait to take up Passengers, commence their journies, or rest during their journies; and also to make orders for 15 regulating the number of such Carriages to stand or rest in such places respectively at the same time, and the distances at which they shall stand from each other, and the time such Carriages respectively may stand and wait to take up Passengers before they commence their journies or rest during their journies at such places respectively; and from time 20 to time to alter, amend or repeal any such appointment of standings or places, or any such orders and regulations, and to make others in the room thereof, any law, statute or usage to the contrary notwithstanding; and the said Court of Mayor and Aldermen shall cause the particulars of the several appointments of standings and places, 25 and all the orders and regulations made by them, and every alteration, amendment or repeal thereof respectively, to be printed and circulated in such manner as they shall think proper for the information of the parties concerned, and a copy thereof to be kept for public inspection in the Offices of the Town Clerk and of the said Registrar; 30 and if the Driver or the Conductor of any Metropolitan Stage Carriage shall permit the same to stand or rest at any place within the City of *London* or liberties thereof, or within the Borough of *Southwark*, which shall not be appointed as aforesaid, or shall, after a reasonable time to be allowed for their promulgation, offend against 35 the Orders and Regulations so made as aforesaid, he shall for every such offence forfeit any sum not exceeding Fifty Shillings; and every penalty or forfeiture for any offence committed within the City of *London* or liberties thereof, or the Borough of *Southwark*, against the provisions of this Act or of the said recited Act of the first and second 40 years of His present Majesty's reign, or of any Orders or Regulations made in pursuance thereof, after deducting such part (if any) as shall be adjudged to be paid for the use of any Informer, shall be paid to the Chamberlain of the City of *London* for the time being, to be applied towards the expense of the Police of the said City.

Penalty for
offending
against
Orders and
Regulations,
Fifty Shillings.

And

And be it further Enacted, That it shall be lawful for His Majesty's Principal Secretary of State for the Home Department, by an Order under his hand, to nominate so many of the Justices of the Public Office, *Bow-street*, and of the Justices appointed to attend at
5 the several Police Offices in the Metropolis, as he shall think fit, and that the Justices so nominated, or any Three or more of them, shall have authority from time to time to appoint proper Standings or Places within the limits of this Act (except within the City of *London* and liberties thereof and the Borough of *Southwark*, and such Parishes, Dis-
10 tricts or other Places as by any Acts of Parliament now in force, powers and authorities are given to or vested in any Commissioners, Trustees or other Person or Persons to appoint places where Hackney Carriages may stand and ply for hire, or to prevent such Hackney Carriages from standing or plying for hire), where Hackney Carriages may
15 stand and ply for hire; and also from time to time to appoint such other places as they shall consider to be necessary and proper within the limits aforesaid (except within the City of *London* and liberties thereof and the Borough of *Southwark*, and the Districts vested in certain Commissioners by an Act passed in the fifth year of the reign of his late
20 Majesty King GEORGE the Fourth, intituled, "An Act for more effectually paving, lighting, watching, cleansing and regulating the *Regent's Park*, together with the new Street from the *Regent's Park* to *Pall Mall*, and the new Streets and Improvements in the neighbourhood of *Parliament-street* and *Privy Gardens*, and for maintaining a convenient Sewage for the same;" and by three other Acts passed
25 in the sixth and ninth years of the reign of his said late Majesty, and in the second year of the reign of His present Majesty, for extending the powers of the said Act), where Metropolitan Stage Carriages may stand and wait to take up Passengers before they commence their
30 journies, or rest during their journies; and also to make Orders for regulating the Number of such Carriages respectively to stand in such places respectively, and the Distances at which they shall stand from each other, and the Time such Metropolitan Stage Carriages respectively may stand or wait to take up Passengers before they
35 commence their journies, or rest during their journies, at such places respectively; and from time to time to alter, amend or repeal any such appointment of Standings or Places, or any such Orders or Regulations, and to make others in the room thereof; and Hackney Carriages and Metropolitan Stage Carriages shall be and are hereby
40 authorized to stand, wait and ply at such Standings or Places so respectively appointed by the Court of Mayor and Aldermen and the said Justices, any law, statute or usage to the contrary notwithstanding; and the Justices aforesaid shall cause the particulars of the several appointments of Standings or Places, and all the Orders or Regulations made by them, and every alteration, amendment or repeal thereof respectively, to be printed and circulated in such

24.
Stands to be appointed out of London and Southwark for Hackney Carriages and Metropolitan Stage Carriages by certain Justices ;

except within certain Places.

Penalty for
offending
against Orders
or Regula-
tions, Fifty
Shillings.

manner as they shall think proper for the information of the parties concerned, and a copy thereof to be kept for public inspection in the Public Office in *Bow-street*, and in all the Police Offices, and at the Office of the said Registrar; and if the Driver of any Hackney Carriage, or the Driver or the Conductor of any Metropolitan Stage Carriage, shall permit the same to stand or wait or rest at any place within the said Districts, other than a place appointed in pursuance of this Act, or any other Act or Acts of Parliament, or shall, after a reasonable time to be allowed for their promulgation, offend against any of the Orders or Regulations so made as aforesaid, he shall for every such offence forfeit any sum not exceeding Fifty Shillings: Provided always, That any Hackney Carriage may be appointed in pursuance of this or any other Act of Parliament, to stand at any place within Eight Feet of the curb-stone of any pavement, or within a less distance than a clear space of Ten Feet behind any other Hackney Carriage, and the Proprietor or Driver of any Hackney Carriage standing according to any such appointment shall not be liable to any penalty in respect thereof.

25
No more Car-
riages than the
number al-
lowed to
remain at any
Stand.

And be it further Enacted, That no more than such number of Hackney Carriages or Metropolitan Stage Carriages respectively as shall be allowed by Orders and Regulations made by the said Court of Mayor and Aldermen, or the said Justices or Commissioners, Trustees or other Persons respectively to stand at any place, shall stand or rest or remain at one time at such place; and if any Hackney Carriage shall arrive at any such place at a time when there shall be standing there the full number allowed as aforesaid, and the Driver thereof shall not forthwith proceed with such Carriage to another standing or place; or if any Metropolitan Stage Carriage shall arrive at any such place at a time when there shall be standing there the full number allowed as aforesaid, and the Driver thereof shall not forthwith proceed with such Carriage on the journey thereof, or return to the coach-yard or place from whence the same shall have come, every such Driver shall for every such offence forfeit any sum not exceeding Twenty Shillings.

26.
Penalty on
Drivers, Con-
ductors or
Watermen
causing any
obstruction at
a Stand.

And be it further Enacted, That if the Driver of any Hackney Carriage, or the Driver or the Conductor of any Metropolitan Stage Carriage, or any Waterman, shall stand or go on the foot-pavement or foot-path of or opposite to any standing or place appointed for Hackney Carriages or Metropolitan Stage Carriages to stand or rest, or if any Person shall unnecessarily stop or loiter, or cause any unnecessary obstruction at any such standing or place, or in the immediate neighbourhood thereof, and shall not immediately remove upon being thereunto required, every such Driver, Conductor or Waterman, or other Person so offending shall for every such offence forfeit any sum not exceeding Twenty Shillings: Provided always, That nothing herein contained shall

shall be construed to extend to prevent any Driver, Conductor or Waterman going on the foot-pavement or foot-path when employed in opening the door of any Carriage to let in or out any passenger, or from following his lawful occupation on any such standing or place.

5 And be it further Enacted, That if the Driver of any Hackney Carriage, being unhired, shall loiter with such Carriage in any public street or road, or shall ply for hire elsewhere than from some standing or place appointed for that purpose, or shall by wilful misbehaviour cause any obstruction in or upon any public street or road; or if
10 the Driver or the Conductor of any Metropolitan Stage Carriage shall loiter with such Carriage in or about any public street or road within the City of *London* or liberties thereof, or the Borough of *Southwark*; or shall by wilful misbehaviour cause any obstruction in or upon any public street or road; or shall loiter
15 with, or improperly delay such Carriage on any journey, or wilfully deceive any Person in respect to the route or destination thereof; or shall for the purpose of taking up or setting down a passenger, or for any other purpose, except in case of accident or other unavoidable necessity, stop such Carriage opposite to the end of any street, or upon
20 any place where foot-passengers usually cross the carriage-way, or at a greater distance than Three Feet from the outer edge of the foot-pavement or foot-path nearest to such Carriage; or shall ply for hire or passengers by blowing a horn, or making any other noise, he shall for every such offence forfeit any sum not exceeding Twenty Shillings.

27.
Penalty on Drivers of Hackney Carriages, or Drivers or Conductors of Metropolitan Stage Carriages, who loiter or cause any obstruction, or ply for hire by making any noise, Twenty Shillings.

25 And be it further Enacted, That in case of any complaint or dispute between the Proprietor of any Hackney Carriage and the Driver thereof, or the Proprietor of any Metropolitan Stage Carriage and the Driver or the Conductor thereof, in respect to the amount of earnings, or to such sums of money as such Driver or Conductor shall have engaged to pay
30 day by day to such Proprietor, or in respect to injury, damage or loss which shall have arisen through the neglect or default of such Driver or Conductor to the property of such Proprietor intrusted to his care, or of penalties, forfeitures or expenses which shall have been incurred by such Proprietor through the misconduct of such Driver or Conductor, or respecting wages or reward alleged to be due to such
35 Driver or Conductor, and to be improperly withheld by such Proprietor, or in respect of any sum of money deposited by such Driver or Conductor in the hands of such Proprietor, or in any other case of dispute or complaint between the Proprietor of any such Carriage and
40 the Driver or the Conductor thereof, upon complaint made to any Justice of the Peace by such Proprietor against such Driver or Conductor, or by such Driver or Conductor against such Proprietor, the said Justice shall inquire into and determine the same, and order such Compensation to be made to either party as to such Justice shall seem

28.
Justices to determine disputes between Proprietors and their Drivers and Conductors, and to award compensation.

Penalty on
Driver or
Conductor for
defrauding his
employer,
Five Pounds.

proper; and if it shall appear that such Driver or Conductor has wilfully defrauded such Proprietor, such Driver or Conductor shall also forfeit for every such offence any sum not exceeding Five Pounds.

29.

Proprietors to
be summoned
to appear, or
to produce the
Driver or
Conductor.

And be it further Enacted, That when any complaint shall be made before any Justice of the Peace against the Driver of any Hackney Carriage, or the Driver or the Conductor of any Metropolitan Stage Carriage, for any offence committed by him within Fourteen Days against the provisions of this Act, or of any Act relating to Hackney Carriages or to Metropolitan Stage Carriages, or of any Orders or Regulations made in pursuance thereof, it shall be lawful for such Justice, if he shall think proper, forthwith to summon the Proprietor of such Carriage personally to appear, or to produce the Driver of such Hackney Carriage, or the Driver or the Conductor of such Metropolitan Stage Carriage, to answer such complaint; and if any such Proprietor, being duly summoned, shall neglect or refuse personally to appear or to produce such Driver or Conductor, according to such summons, without a reasonable excuse for such neglect or refusal, to be allowed by the Justice before whom he ought to appear according to such summons, such Proprietor shall forfeit any sum not exceeding Forty Shillings, and so from time to time as often as he shall be so summoned, until he shall appear, or such Driver or Conductor shall be produced by him; and every Proprietor so summoned to appear or to produce the Driver of any Hackney Carriage, or the Driver or the Conductor of any Metropolitan Stage Carriage, shall cause a verbal or written Notice to be given to such Driver or Conductor of the time and place when and where such Driver or Conductor is so required to attend; and if after any such verbal or written Notice shall have been given or served as aforesaid any Driver or Conductor shall, without a reasonable excuse to be allowed by the Justice, neglect or refuse to attend at the time and place at which he is so required to attend, or if such Driver or Conductor having previously left the service of the Proprietor so summoned as aforesaid shall not then and there also produce his License, every Driver or Conductor so offending shall forfeit any sum not exceeding Forty Shillings: Provided always, That if such Proprietor shall neglect or refuse to appear, or to produce such Driver or Conductor when so summoned, it shall not be necessary to issue a second summons, unless such Justice shall think proper so to do; but it shall be lawful for such Justice to proceed to hear and determine the said complaint in the absence of the said Proprietor and of the Driver or Conductor, or either of them, and upon proof of such offence by the oath of one or more credible witness or witnesses to give judgment against such Proprietor, or Driver or Conductor, as the case may be, for the penalty incurred by reason of such offence.

Penalty for
neglect of
summons,
Forty
Shillings.

Proprietor to
give notice to
Driver or
Conductor.

Penalty on
Driver or
Conductor for
not appearing,
Forty
Shillings.

On neglect of
summons Jus-
tice may
proceed.

And

And be it further Enacted, That whenever it shall happen that the Driver of any Hackney Carriage, or the Driver or the Conductor of any Metropolitan Stage Carriage shall have committed any offence against this Act, or against the said Act passed in the first and second
 5 years of the reign of His present Majesty, or against any such Orders and Regulations as aforesaid, for the commission whereof any penalty is imposed upon such Driver or Conductor, and not upon the Proprietor of such Carriage, and such Driver or Conductor shall not appear or be produced by such Proprietor, then, but not other-
 10 wise, the Proprietor of such Carriage shall be liable to every such penalty as if he had been the Driver or the Conductor of such Carriage at the time when such offence was committed; and every Proprietor who shall pay any penalty or costs incurred by reason of any such offence shall be entitled to recover the same from such Driver or Con-
 15 ductor in a summary manner; and upon complaint made in the premises before any Justice of the Peace by such Proprietor against such Driver or Conductor, such Justice shall inquire into the same, and shall cause the sum which shall appear to have been so paid to be repaid by such Driver or Conductor, as a compensation to such Pro-
 20 prietor.

30.
 If Driver or Conductor does not appear, the Proprietor to pay the penalty,

and be entitled to recover from the Driver or Conductor.

And be it further Enacted, That it shall be lawful for any Justice of the Peace appointed by His Majesty's Principal Secretary of State for the Home Department, under the authority of the said Act of the first and second years of His present Majesty's reign, for the
 25 purpose of hearing and determining offences against the provisions of that Act, or for such other Justice of the Peace as shall be in attendance at the Office appointed in that behalf, to hear and determine any complaint for any offence against the provisions of this Act, so far as the same relate to Hackney Carriages or to Watermen, in like manner
 30 as if such provisions had been included in the aforesaid Act.

31.
 CLAUSE (C)
 Justices empowered to hear and determine Complaints.

And be it further Enacted, That it shall be lawful for any Justice of the Peace, in all cases in which no other mode of proceeding is specially provided or directed by this Act, upon complaint being made by any Person of any offence against the provisions of this Act,
 35 or of the said recited Act of the first and second years of the reign of His present Majesty, or of the Orders and Regulations made in pursuance thereof, or any of them, within Fourteen Days next after the commission of any such offence, to issue his summons to require the attendance of the Person complained against before the said Justice,
 40 or before any other Justice of the Peace, at a time and place to be appointed for that purpose, or a Warrant for the apprehension of the Offender; and either on the appearance of the party accused, or in default thereof, it shall be lawful for such Justice, or any other Justice present at the time and place appointed for such appearance, to pro-

32.
 Mode of proceeding for penalties or compensation before a Justice of the Peace.

ceed to examine into the matter of fact, and hear and determine the matter of such complaint, and upon due proof made thereof by voluntary confession of the party, or by oath of one or more credible Witness or Witnesses, to give judgment for the penalty or compensation and costs, and to adjudge that such Person shall pay the same, 5 either immediately or within such period as he shall think fit; and such Justice, according to his discretion, may either adjudge that in default of payment of such penalty or compensation and costs at the time appointed, the Person so convicted shall be imprisoned in the common Gaol or House of Correction for any term not exceeding Two 10 calendar Months, the imprisonment to cease upon payment of the sum due; or may, on non-payment of such penalty or compensation and costs, award and issue his Warrant for the levying of any penalty or compensation so adjudged, together with the said costs and expenses, and also the costs and expenses of such Warrant, and of 15 levying the same, on the goods of the Offender, and to cause sale to be made of such goods, in case they shall not be redeemed within Five Days, rendering to the party the overplus (if any); and where goods of such Offender cannot be found sufficient to answer the penalty or compensation, and all such costs and expenses, to commit such 20 Offender to prison, there to remain for any time not exceeding Two calendar Months, unless such penalty or compensation and all such costs and expenses shall be sooner paid; and every such imprisonment shall be with or without hard labour, as such Justice shall direct; and all proceedings whatsoever before any Justice of the Peace, under 25 any of the provisions of this Act, and the judgment of the said Justice thereon, shall be final and conclusive between the parties, and shall not be quashed or vacated for want of form, and shall not be removed by Certiorari, or any other writ or process, into any Superior Court; any law, statute or usage to the contrary notwithstanding. 30

33.
In what man-
ner Goods
distrained
under this Act
shall be sold.

And be it further Enacted, That in all cases where any goods or chattels distrained or otherwise seized or taken under any of the provisions of this Act are directed to be sold, the same shall be sold by Public Auction, and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his last known 35 place of abode, Three Days at least prior to such sale: Provided always, That if the owner of any such goods or chattels shall give his consent in writing to the sale thereof, at an earlier period than is by this Act, or shall be by any such notice appointed for such sale, or in any other manner than is by this Act directed, it shall be lawful to sell such 40 goods or chattels according to such consent: Provided also, That if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the Person who by any warrant or other process shall be directed or authorized to cause such goods or chattels to be sold, the sum which he shall by such warrant or process be directed

directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such goods or chattels shall be made.

And be it further Enacted, That upon the trial or hearing of any
 5 complaint made under any of the provisions of this Act, or such orders
 and regulations as aforesaid, any Peace Officer, or any Complainant or
 other Person shall be deemed and is hereby declared to be a competent
 Witness, notwithstanding that such Officer or Person may be entitled to
 or expect any part of the pecuniary penalty or compensation, or any
 10 remuneration or reward on the conviction of any Offender upon any
 such complaint.

34.
Peace Officers
and Informers
not disquali-
fied from
being
Witnesses.

And be it further Enacted, That all pecuniary penalties imposed by
 or incurred under this Act, or such orders and regulations as aforesaid,
 except the pecuniary penalties for offences committed within the City
 15 of *London* and liberties thereof, and the Borough of *Southwark*
 as aforesaid, shall respectively be distributed and divided in manner
 following; (that is to say) One Moiety thereof to His Majesty, and the
 other Moiety thereof, with full costs of suit, to the Person who shall
 inform and sue or prosecute for the same within Fourteen Days after
 20 the offence committed; or if the prosecutor be a Constable in the
 Metropolitan Police Force, then to the Receiver of the said Force; or if
 he be a Constable attached to the Public Office, *Bow-street*, or any of
 the Police Offices, then to the Receiver of Police.

35.
Application
of Penalties.

And be it further Enacted, That if any Driver, Conductor, Water-
 25 man or Proprietor shall be summoned before any Justice of the
 Peace to answer any complaint made against him by any Person other
 than an Officer of Stamps and Taxes, or any Police Constable, touching
 or concerning any offence committed, or alleged to have been com-
 mitted by such Driver, Conductor, Waterman or Proprietor respectively
 30 against the provisions of this Act, or against any such orders and regu-
 lations made as aforesaid, and such complaint shall afterwards be
 withdrawn or quashed or dismissed, or if the defendant shall be acquitted
 of the offence charged against him, it shall be lawful for such Justice
 to order and award that the Informer or Person making such complaint
 35 shall pay to the defendant such costs of making or preparing for his
 defence, and also such compensation for his loss of time and for the
 time of his witnesses (if any) in attending such Justice, touching or
 concerning such complaint, as to such Justice shall seem reasonable;
 and in default of immediate payment of the sum so awarded, it shall
 40 be lawful for such Justice, at his discretion, to commit such Person to
 the common Gaol or House of Correction for any time not exceeding
 One calendar Month, unless the same shall be sooner paid, or to cause
 the same to be levied by distress and sale of the goods and chattels of

36.
Justices em-
powered to
award Costs
to Defendant
where com-
plaints are
withdrawn or
dismissed in
certain cases.

the Person ordered to pay the same, together with the costs of such distress and sale ; and if goods and chattels of such Person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, then it shall be lawful for such Justice to commit such Person to the common Gaol or House of Correction for any time not exceeding 5 One calendar Month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

37.
Service of the
Justices' Sum-
mons and
other Notices.

And be it further Enacted, That any Summons issued by any Justice of the Peace requiring any defendant or any witness or other person to appear before such Justice, or any other Justice, with reference 10 to any complaint or other proceeding for the recovery of any Penalty or Compensation or Costs under this Act, or such Orders and Regulations as aforesaid, or any Notice required by this Act, shall be deemed to be well and sufficiently served in case either the Summons, or a copy thereof, or such Notice be delivered to any such Person as aforesaid, 15 or to the husband, wife or servant of such Person, or be left at his usual or last place of residence, or (in case such Person be a licensed Driver, Conductor or Waterman, or a Proprietor of a Hackney Carriage or of a Metropolitan Stage Carriage) at the place specified in any such License as the place of abode of such Driver, Conductor, Waterman 20 or Proprietor (as the case may be); and if any Constable or other Peace Officer shall refuse or neglect to serve or execute any Summons, Warrant or Order granted, issued or made by any Justice of the Peace, pursuant to any of the provisions of this Act, every such Constable or Peace Officer so offending shall forfeit any sum not 25 exceeding Ten Pounds.

Penalty on
Constables
refusing to
serve a Sum-
mons, War-
rant, &c.

38.
Proceedings
to be drawn
up according
to Forms in
Schedule.

And be it further Enacted, That every Summons, Conviction, Warrant of Distress or Commitment, or other such proceeding which shall be had or taken for the recovery of any Penalty, Compensation or Costs under the provisions of this Act, or such Rules, Orders and 30 Regulations as aforesaid, may be drawn or made out according to the several Forms contained in the Schedule hereunto annexed, or to the effect thereof, *mutatis mutandis*, as the case may require ; and every such Summons, Conviction, Warrant, or other such proceeding which shall be so drawn or made out shall be good and effectual to all intents 35 and purposes whatsoever, without stating the case, or the facts or evidence in any more particular manner than is required in and by such Forms respectively.

39.
Limitation of
Actions.

And be it further Enacted, That all actions and prosecutions which shall be brought or commenced against any Person for any thing done 40 in pursuance or under the authority of this Act, or of such Orders and Regulations as aforesaid, shall be commenced and prosecuted within Three calendar Months next after the fact committed, and not after
wards,

wards, and shall be brought and tried in the City of *London* or the City of *Westminster*, and not elsewhere ; and Notice in writing of such action, and of the cause thereof, shall be given to the defendant One calendar Month at least before the commencement of the action ; and

5 the defendant in such action may plead the General Issue, and give this Act and any other matter or thing in evidence at any trial to be had thereupon ; and if the cause of action shall appear to arise from any matter or thing done in pursuance and by the authority of this Act, or of any such Orders and Regulations as aforesaid, or if any such action

10 shall be brought after the expiration of such Three calendar Months, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid

15 into Court after such action commenced, by or on behalf of the defendant, the Jury shall find a verdict for the defendant ; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his

20 full costs of suit, as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases at law ; and although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had,

25 shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

Venue.
Notice of
Action.

General Issue.

Tender of
Amends.

And be it further Enacted, That this Act shall commence and take effect on the Sixth day of July One thousand eight hundred and Thirty-six : Provided always, That it shall be lawful for the said Registrar, at any time during the period of One calendar Month preceding

30 the said Sixth day of July, to grant and issue Licenses and Tickets under any of the provisions of this Act, to commence and take effect upon the said Sixth day of July ; and all Licenses which shall be so granted and issued shall be dated on the said Sixth day of July, and shall be valid and effectual to all intents and purposes ; any thing

35 hereinbefore contained to the contrary notwithstanding.

40.
Commence-
ment of this
Act.
Licenses and
Tickets may
be issued
within One
Month before
the commence-
ment of the
Act.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

41.
Act may be
altered this
Session.

THE SCHEDULE

TO WHICH THIS ACT REFERS.

No. 1.

FORM of a SUMMONS on Complaint made for the Recovery of a
Penalty or Compensation under this Act.

To *E. O.* of, &c.

County *[or, as the*
case may be] } WHEREAS complaint hath been this day made
of } by *A. B.*, before me, *C. D.*, esquire, one of His
to wit. } Majesty's Justices of the Peace for the
of } for that you, on the } day of
at } did *[here state the substance of the charge]*:
These are therefore, in His Majesty's name, to require you personally
to appear before me the said Justice, or such other of His Majesty's
Justices of the Peace for the said } as shall be sitting at
on the } day of } at the
hour of } of the clock, then and there to answer thereto.
Given under my hand and seal, this } day of
in the year of our Lord

C. D.

No. 2.

FORM of a CONVICTION on the foregoing Complaint, with Order of
Imprisonment on Non-payment of the Penalty or Compensation.

County *[or, as the*
case may be] } BE it Remembered, That on the
of } day of } in the year of our Lord
to wit. } at
in the said county of } *[or, city, liberty, or place, as the*
case may be], *A. B.* is duly convicted before me, *C. D.*, one of His
Majesty's Justices of the Peace for the county of } *[or, city,*
&c.] for that he the said *A. B.* did *[here insert the offence, day*
and place], contrary to the Statute in that case made and provided, *[or,*
contrary to the Orders and Regulations made in pursuance of an Act
passed in the } year of the reign of King WILLIAM the Fourth,
intituled, "*An Act,*" &c. *title of this Act]*: I do therefore adjudge the
said

said *A. B.* to forfeit and pay the sum of
[penalty], and also the sum of [compensation,
if any]; and also the sum of [for Costs; and in
default of immediate payment of the said sums [*or, if time is given for*
payment, in default of payment of the said sums on or before the
day of] to be imprisoned in the
[prison], and there to be kept to hard labour
[*as the case may be*] for the space of
unless the said sums shall be sooner paid; and I do direct the said
sum of [penalty] to be paid to
to be applied according to the directions of the statute in that case
made and provided, [*or, if penalty and compensation are ordered*, the
sum of [penalty] to be paid [*as above*]; and
the said sum of [compensation] to be paid to the
party aggrieved, and the said sum of [costs] to
be paid to [party.]

Given under my hand and seal, the day and year first above written.

C. D.

No. 3.

FORM of a CONVICTION on the foregoing Complaint, without an
Order of Imprisonment.

County [*or, as the* } BE it Remembered, That on the day of
case may be }
of } at A. B., of, &c.,
to wit. } was duly convicted before me one of
His Majesty's Justices of the Peace for in pursuance of an Act
passed in the year of the reign of His Majesty King WILLIAM
the Fourth, intituled, "An Act," &c. [*title of this Act*], for that the
said *C. D.* on the day of did [*here state*
the offence, as the case may happen to be], contrary to the form of the
Statute in that case made and provided, [*or, contrary to the Orders*
and Regulations made in pursuance of the said Act]; for which offence
I do adjudge that the said *C. D.* hath forfeited the sum of
over and above the sum of for the
costs and charges of *E. F.* the Informer in prosecuting this Conviction.

Given under my hand and seal the day and year first above written.

C. D.

No. 4.

FORM of a WARRANT of DISTRESS founded on the foregoing Conviction.

To the Constable of _____ in the _____ of _____

County [or, as the
case may be] } WHEREAS E. O., of, &c., has been duly con-
of } victed of a certain offence, for that [here state the
to wit. } offence as in the Conviction], whereby he hath for-

feited the sum of _____ over and above the reasonable costs and charges of the Informer, allowed and assessed at the sum of _____

Therefore I command you to levy the said sum of _____ and also the said sum of _____

for the costs and charges aforesaid, making together the sum of _____

by distraining the goods and chattels of the said E. O. ;
and if within the space of Five Days next after such distress taken, the said sum of _____ together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then I order and direct, that you shall sell and dispose of the said goods and chattels which shall be so distrained, seized and taken as aforesaid, and shall levy and raise thereout the said sum of _____ and all reasonable costs and charges of taking and keeping and selling such distress, rendering the overplus (if any) to the owner of the said goods and chattels ; and you are to certify to me what you shall have done by virtue of this my Warrant.

Given under my hand and seal the _____ day of _____

(signed)

One of His Majesty's Justices of the Peace for
the said _____ of _____

No. 5.

FORM of a WARRANT of COMMITMENT for want of a sufficient Distress, founded on the foregoing Conviction.

To the Constable of _____ and to the Keeper of the
common Gaol [or, House of Correction] at _____
in the said _____County [or, as the
case may be] } WHEREAS E. O. of, &c. has been duly convicted
of } of a certain offence, for that [here state the offence as
to wit. } in the Conviction], whereby he hath forfeited the sum

of _____ over and above the reasonable costs and charges of the Informer, allowed and assessed at the sum of _____

making _____

making together the sum of : And whereas it has been duly made to appear to me, that no sufficient distress can be found whereon to levy the said sum of ; therefore I command you, the Constable of to apprehend and take the said *E. O.*, and safely to convey him to the common Gaol [*or*, House of Correction] at in the of and there to deliver him to the Keeper thereof, together with this Warrant: And I do hereby command you, the said Keeper, to receive into your custody in the said Gaol [*or*, House of Correction] him, the said *E. O.*, and him therein safely to keep for the space of unless the said sum of shall be sooner paid.

Given under my hand and seal the day of

(signed)

One of His Majesty's Justices of the Peace for the said of

No. 6.

FORM of a SUMMONS to the Proprietor of a Hackney Carriage or a Metropolitan Stage Carriage to appear or to produce the Driver or Conductor thereof to answer a Complaint.

To *E. F.*, of, &c., Proprietor of the Hackney Carriage, Number , [*or*, the Metropolitan Stage Carriage, Number]

WHEREAS complaint hath been made by *C. D.* against the Driver of the Hackney Carriage, Number [*or*, the Driver or Conductor of the Metropolitan Stage Carriage, Number], on the day of now last past [*or*, instant], charging that the said Driver [*or*, Conductor] on the day of now last past [*or*, instant], (of which said Carriage you were then the Proprietor,) at or about the hour of did [*here state the alleged Offence*]: These are therefore to require you personally to appear before me, or such other of His Majesty's Justices of the Peace as shall be present, at on the day of at of the clock in the noon, or then and there to produce the said Driver [*or*, Conductor] to answer the said complaint. Dated the day of

(signed)

One of His Majesty's Justices of the Peace for

No. 7.

FORM of WARRANT of DISTRESS for levying upon the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage, the Penalty in which the Driver or Conductor thereof has been convicted.

To *A. B.* of, &c.

County, *or, [as the case may be]* } WHEREAS *C. D.*, the Driver of the Hackney Carriage, Number *[or, the Driver or Conductor of the Metropolitan Stage Carriage, Number*
of }
to wit. }
] on the day of was duly convicted of a certain offence, for that *[here state the offence,]* whereby he hath forfeited the sum of over and above the sum of for the costs and charges of the Informer, making together the sum of which hath not been paid by the said Driver *[or, Conductor]*, nor by any Person on his behalf: And whereas, according to the Statute in that behalf made, the said *E. F.*, the Proprietor of the said Carriage, hath been required to pay the said sum of which he hath neglected and refused to do: Therefore I command you to levy the said sum of by distraining the goods and chattels of the said *E. F.* the said Proprietor *[proceed as in the Form No. 4, to the end thereof.]*

No. 8.

FORM of WARRANT of COMMITMENT of the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage for want of a sufficient Distress whereon to levy the Penalty in which the Driver or Conductor of such Carriage has been convicted.

To *A. B.* of, &c. and to the Keeper of the common Gaol *[or, House of Correction]* at

County *[or, as the case may be]* } WHEREAS, &c. *[proceed as in Form No. 7, to the words "which he hath neglected and refused to do" inclusive]*: And whereas it has been duly made to appear to me, that no sufficient distress of the goods and chattels of the said *E. F.* the said Proprietor, can be found whereon to levy the said sum of Therefore I command you the said *A. B.* to apprehend and take the said *E. F.*, and safely to convey him, &c. *[proceed as in the Form No. 5, to the end thereof.]*

Hackney Carriages (Metropolis.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the better Regulation of Hackney Carriages
and of Omnibuses used in and near the
Metropolis, and of the Drivers and Attendants
thereof.

(Prepared and brought in by
Mr. Alderman Wood & Mr. Thomas Gladstone.)

Ordered, by The House of Commons, to be Printed,
15 April 1836.



A

B I L L

To give Publicity to the Prices of Weaving by Hand-loom Labour.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS great distress and suffering exist amongst a very numerous class of Artisans in this Kingdom, who are employed in the manufacture of Cotton, Linen, Woollen and Silk upon Hand-loom, by reason of the unequal and inadequate Wages that they are paid for their Work by Manufacturers who employ them :

And whereas the evil is greatly augmented by the want of information as to the rate of Wages usually paid by the greater part of the persons engaged in such Manufactures ;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all persons residing or carrying on business as Manufacturers of Cotton, Linen, Woollen or Silk, in the several Towns mentioned in the Schedule to this Act annexed, and marked (A.), shall, within the periods hereinafter mentioned for that purpose, make out and deliver to the Public Officer mentioned in the second column of the said Schedule as the person presiding over the Town or Place in which such Manufacturers shall respectively reside or carry on business, a full, true and particular statement of the rate of Wages paid within the *Three Months* immediately preceding such statement to each and every Hand-loom Weaver employed by such Manufacturer in the manufacture of

1.
Manufacturers to make Returns to Mayor, or other public Officer, of Rates of Wages paid for the preceding Three Months.

Cotton, Linen, Woollen and Silk, and distinguishing the several varieties of Manufacture for which different rates of Wages have been or shall be paid; and in case one uniform rate of Wages shall not have been paid for one and the same description of Manufacture, then distinguishing the periods at which any change in the rate of Wages shall have been made. 5

2.
Mayor, or
other public
Officer, to
cause printed
Notice to be
left with
Manufacturer,
and blank
Form of Decla-
ration to be
required to be
filled up.

And be it further Enacted, That every Mayor or other public Officer mentioned in the second column of the said Schedule, shall, on or before the *Twenty-ninth* day of *September* next, and on or before the *Twenty-fifth* day of *March*, the *Twenty-fourth* day of *June*, the *Twenty-ninth* day of *September* and the *Twenty-fifth* day of *December* in every year, cause a printed or written, or partly printed and partly written, Notice to be given or left at the dwelling-house or place of business of each Manufacturer respectively, residing or carrying on business within the limits of the jurisdiction of such Mayor or other public Officer, requiring such Manufacturers respectively to declare and make such statements hereinbefore required, by filling up, and signing, by himself or his known agent, a printed Form of Return to accompany such Notice, to the effect contained in the Schedule marked (B.) to this Act annexed, and which statement shall be delivered to the said Mayor or other public Officer respectively within *Twenty-one* Days after such Notice shall have been given or left as aforesaid. 10 15 20

3.
Mayor, or
other public
Officer, to
transmit Re-
turns to the
Board of
Trade, to-
gether with
Statements as
to Manufac-
turers making
default.

And be it further Enacted, That every such Mayor or other public Officer shall, within *Twenty-one* Days after the expiration of the time hereinbefore limited for making such statements, transmit all the Returns made to him by the several Manufacturers within his jurisdiction, to the office of the President of the Committee of Council, appointed for the consideration of matters relating to Trade and Foreign Plantations, usually called the Board of Trade; and if any such Manufacturer who is required to make such statement or Return as aforesaid, shall refuse or neglect to make out, sign and deliver the same within the time hereinbefore required, then such Mayor or other public Officer to whom the same ought to have been delivered, shall, from the best information he can obtain, make out a Return to the said Office of the Board of Trade, such particulars as ought to have been declared and stated by such Manufacturer so making default. 25 30 35

4.
Penalty on
Manufactu-
rers wilfully
withholding
Returns.

And be it further Enacted, That every person so residing or carrying on business as a Manufacturer as aforesaid, and having been thereunto required as aforesaid, who shall wilfully refuse or omit to make out, sign and deliver such statement as aforesaid within the time hereinbefore required, shall forfeit and pay for every such refusal 40

refusal or omission the sum of *Fifty* Pounds, such penalties to be recoverable by action of debt in any of His Majesty's Courts at Westminster, or in Ireland or in Scotland, in the name of such Mayor or other public Officer within whose jurisdiction the person
5 incurring such liability shall reside or carry on business; or in case such Mayor or other public Officer shall decline to sue for the same, then in the name of any other person or persons to be named or appointed by the Lords Commissioners of His Majesty's Treasury for the time being, or any *Three* of them, for the purpose; and the
10 money recovered shall be applied in such manner and for such purposes as the said Lords Commissioners, or any *Three* of them, shall appoint.

And be it further Enacted, That within *Thirty* Days after such Returns shall have been made to the Office of the President of the
15 Board of Trade as aforesaid, the same shall be consolidated, so as to show the Wages paid at each of the Towns in the said Schedule mentioned respectively, during the period of *Three* Months to which the same shall apply, for each of the sorts of Hand-loom Manufacture, designated or known by the same name or description, and
20 given out to work as such in the said several Towns respectively; and the account or table so made out and consolidated shall be published in the London Gazette, with the authority of the President or some other Officer of the said Board of Trade.

5.
Board of Trade to consolidate Returns, and publish the result in the Gazette.

And be it further Enacted, That this Act shall continue in force
25 for *Three* Years.

6.
Act to continue in force Three Years.

And be it further Enacted, That this Act may be altered, varied or repealed by any Act or Acts to be passed in this present Session of Parliament.

7.
Act may be altered, varied or repealed in this Session.

SCHEDULES

To which the foregoing ACT refers.

SCHEDULE (A.)

NAMES OF TOWNS from which Returns are to be made.	COLUMN 2. Chief Officers in the several Towns, and by whom the Returns are to be required.
Blackburn - - - - -	
Bolton - - - - -	
Bradford - - - - -	
Burnley - - - - -	
Coventry - - - - -	Mayor.
Huddersfield - - - - -	
Leeds - - - - -	Mayor.
Leicester - - - - -	Mayor.
Macclesfield - - - - -	
Manchester - - - - -	Boroughreeve.
Norwich - - - - -	Mayor.
Oldham - - - - -	Mayor.
Preston - - - - -	
Stockport - - - - -	
Belfast - - - - -	Sovereign.
Drogheda - - - - -	Mayor.
Aberdeen - - - - -	Provost or Chief Magistrate.
Ayr - - - - -	Provost.
Dundee - - - - -	Provost.
Edinburgh - - - - -	Lord Provost.
Glasgow - - - - -	Lord Provost.
Paisley - - - - -	Provost.
Perth - - - - -	

Hand-loom Weavers.

A

B I L L

To give Publicity to the Prices of Weaving by
Hand-loom Labour.

(Prepared and brought in by
Mr. John Maxwell, Lord Dudley Stuart,
Mr. Gillon, and Mr. Freshfield.)

Ordered, by The House of Commons, to be Printed,
4 July 1836.

26 July 1836.—7 WILL. IV.



A

B I L L

To amend an Act of the seventeenth year of his late Majesty GEORGE the Third, “ for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair and Silk Manufactures ; and also for making provisions to prevent Frauds by Journeymen Dyers.”

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the seventeenth year of Preamble.
the reign of his late Majesty King GEORGE the Third,
intituled, “ An Act for amending and rendering more effectual the
several Laws now in being for the more effectual preventing of
5 Frauds and Abuses by Persons employed in the Manufacture of
Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur,
Hemp, Flax, Mohair and Silk Manufactures ; and also for making
provisions to prevent Frauds by Journeymen Dyers,” it was
enacted, that if any person should feel himself or herself aggrieved
10 by the order or judgment of any two Justices before whom he or
she should have been convicted of any of the offences in the said
recited Act, or the several Acts therein recited, such person might
appeal to the next General or General Quarter Sessions of the
Peace to be holden for the county, riding, division, city, liberty,
15 town or place where such conviction should have been made :

And whereas doubts have arisen respecting the said right to appeal,
and the power of Justices in relation thereto, and it is expedient to
make other and better provision touching the said right of Appeal ;

~~BE~~ it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 'THAT so much of the said recited Act as relates to the right of Appeal against any order, judgment or conviction, or the power of Justices respecting any such Appeal, shall be and the same is hereby repealed. 5

1.
Repealing
Right of Ap-
peal against
Judgments or
Convictions.

2.
Persons may
appeal.

And be it further Enacted, That from and after the *passing of this Act*, if any person shall think himself or herself aggrieved by the order or judgment of any Justice or Justices by which he or she shall be convicted of any offence against the provisions of the said Act of the seventeenth year of the reign of King GEORGE the Third, or of either of the several Acts therein recited, it shall be lawful for such person to appeal against such order, judgment or conviction to the General or Quarter Sessions of the Peace which shall be holden for the county, riding, division, city, liberty, borough, town or place where such order, judgment or conviction shall be made next after *Fourteen* clear Days from the making of such order, judgment or conviction, giving to the Justice or Justices, whose order, judgment and conviction shall be appealed against, notice in writing of such Appeal, and the grounds and matter thereof, within *Seven* Days after such order, judgment or conviction shall have been made, and entering, at the time of giving such notice as aforesaid, into a recognizance with *Two* sufficient sureties before any Justice of the Peace for the county, riding, division, city, liberty, borough, town or place aforesaid, personally to appear and prosecute such Appeal, and to abide the judgment of and pay such costs as shall be awarded by the Justices at such Sessions; and upon such notice being given and such recognizance duly entered into (the sufficiency of the said sureties being previously proved to the satisfaction of the said Justice), the said Justice is hereby empowered to discharge such person out of custody; and the Justices at such Sessions shall hear and determine the matter of such Appeal, and shall make such order therein, with or without costs, as shall to such Justices seem meet; and in case the order, judgment or conviction appealed against shall be affirmed, or in case the said Appeal shall not be prosecuted, the said Justices in Sessions shall issue the necessary process for the apprehension and punishment of the person or persons offending, according to the said conviction: Provided always, That if the person giving such notice of Appeal as aforesaid shall not appear and prosecute the said Appeal pursuant to his or her notice and recognizance, it shall be lawful for the said Justices in Sessions, and they are hereby authorized to order the full costs incurred by the Prosecutor to be paid by the said person, and by his or her sureties as aforesaid. 10 15 20 25 30 35 40

Provided

207

(3)

5 Provided always, and be it further Enacted, That no order, judgment or proceeding whatever touching the conviction of any person or persons as aforesaid, shall be quashed or vacated for want of form, or be removed or removable by Certiorari, or any other process, into His Majesty's Court of King's Bench ; any law or usage to the contrary notwithstanding.

3.
Judgments
not to be
vacated for
want of form.

Hat Manufacture.

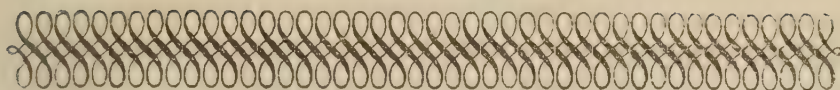
A

B I L L

To amend an Act of the seventeenth year of his late Majesty GEORGE the Third, "for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair and Silk Manufactures; and also for making provisions to prevent Frauds by Journeymen Dyers."

(Prepared and brought in by
Mr. Clay, Dr. Lushington and Mr. Hawes.)

*Ordered, by The House of Commons, to be Printed,
26 July 1836.*



A

B I L L

To facilitate the Recovery of certain Arrears of Highway Rates
and Composition in lieu of Statute Duty.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS in and by an Act made and passed in the Preamble.
fifth and sixth year of the reign of His present Majesty,
intituled, “An Act to consolidate and amend the Laws relating to
Highways in that part of Great Britain called England,” certain
5 Statutes relating to Highways in that part of Great Britain called
England were repealed: And whereas at the time of the repeal of the
said Statutes, certain Rates and Composition in lieu of Statute Duty
made under and by virtue of the said repealed Acts, some or one of them,
were legally due and owing, and still remain unpaid: And whereas it
10 is expedient to provide a remedy for the recovery thereof;

May it therefore please Your MAJESTY,

That it may be Enacted; And ~~be~~ it Enacted, by The KING's most
Excellent MAJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Par-
15 liament assembled, and by the Authority of the same, THAT the
Surveyor and Surveyors appointed under the said Act made and
passed in the fifth and sixth year of His present Majesty, shall
and may and are hereby authorized and required forthwith to pro-
ceed for the recovery of any Rate or Composition in lieu of Statute
20 Duty, which were duly made under and by virtue of the said
repealed Acts, some or one of them, previous to the same being
repealed, and which still remain unpaid, and for that purpose shall
have the same powers and authorities as if the Rate or Composition
in lieu thereof had been made under and by virtue of the said Act

1.
Surveyor
under 5 & 6
Will. 4, c. 50.
may recover
HighwayRate
due under
repealed Acts.

Application of
Money reco-
vered.

made and passed in the fifth and sixth year of His present Majesty, and shall apply the money which he or they may so recover, after deducting the costs and expenses of such recovery, to the payment and discharge of any debts which may be legally due and owing from the Surveyor or Surveyors under the said repealed Acts, some or one of them, and the overplus, if any, towards carrying into effect the several purposes of the said Act made and passed in the fifth and sixth year of the reign of His present Majesty.

2.
Continuance
of Act.

And be it further Enacted, That this Act shall continue in force until the *Nineteenth* day of *March One thousand eight hundred and Thirty-seven*.

3.
Act may be
amended this
Session.

And be it further Enacted, That this Act may be altered, amended or repealed in this present Session of Parliament.

Highway Rates.

A

B I L L

To facilitate the Recovery of certain Arrears
of Highway Rates and Composition in
lieu of Statute Duty.

(Prepared and brought in by
Mr. Stuart Lefevre and Mr. Poulett Thomson.)

Ordered, by The House of Commons, to be Printed
30 May 1836.

15 July 1836.—7 WILL. IV.



A

B I L L

To authorize the Application of Highway Rates to Turnpike Roads in certain cases.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH^{EREAS} by law persons have heretofore been liable to do Statute work on Turnpike Roads, or to pay a composition in lieu thereof; but by an Act passed in the fifth and sixth year of the reign of His present Majesty, intituled, “An Act to consolidate and amend the Laws relating to Highways in that part of Great Britain called England,” all Statute work is abolished: **AND** whereas the revenues of some Turnpike Roads are so unequal to the charge and maintenance of such Roads, when deprived of the aid heretofore derived from Statute work, that it is necessary some additional provision should be made for such Roads for a limited period; **BE it therefore Enacted**, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** it shall be lawful for the Justices at any Special Sessions for the Highways of a Parish holden after the *passing of this Act*, upon application made to them by or on the part of any *Three* or more of the Commissioners or Trustees of any Turnpike Trust within such Parish (notice in writing of such intended application having been previously given on the part of such Commissioners or Trustees to the Parish Surveyor *Twenty-one Days* at least before such Special Sessions) to examine the state of the revenues and debts of such Turnpike Trust, and to inquire into the state and condition of the repairs of the Roads within the same, and also to ascertain the length of the Roads, including Turnpike Roads, within such Parish, and how much of such Road

Preamble :

5 & 6 W. 4
c. 50.

1.

Justices to inquire at Special Sessions for Highways into the Revenues and condition of the Repairs of Turnpike Roads, and, if necessary, to apportion a part of Highway Rate to Trustees of Turnpike Road.

is Turnpike Road ; and if after such examination it shall appear to the said Justices necessary or expedient, for the purposes of any Turnpike Road, so to do, then to adjudge and determine what portion (if any) of the rate or assessment, levied by virtue of the said recited Act, shall be paid by the said Parish Surveyor, and at what time or times, to the said Commissioners or Trustees, or to their Treasurer or other Officer appointed by them in that behalf, such money to be wholly laid out on such part of such Turnpike Road as lies within the Parish from which it was received. 5

2.
If Surveyor
refuse to pay
over Rate or
Assessment,
same to be
levied on his
Goods and
Chattels.

And be it further Enacted, That if any such Parish Surveyor shall refuse or neglect to pay over such portion of the said rate or assessment at the time or times and in the manner mentioned in the order of the said Justices, the same shall and may be levied upon the goods and chattels of such Surveyor in such manner as penalties and forfeitures are by the said recited Act authorized to be levied. 10 15

3.
Power of
Appeal.

Provided always, and be it further Enacted, That if any person shall think himself aggrieved by any order, judgment or determination made, or by any matter or thing done by any Justices of the Peace, at any such Special Sessions in pursuance of this Act, such person shall be at liberty to make his complaint thereof by Appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the county, division or place wherein the cause of such complaint shall arise, such Appellant first giving to such Justices *Ten Days'* notice in writing of such Appeal, together with a statement in writing of the grounds of such Appeal within *Six Days* after such order, judgment or determination shall be so made or given as aforesaid, who are hereby required, within *Forty-eight Hours* after the receipt of such notice, to return all proceedings whatever had before them respectively, touching the matter of such Appeal, to the said Justices at their General or Quarter Sessions aforesaid ; and that in case of such Appeal, the said Justices at the said Quarter Sessions, upon due proof of such notice and statement having been given as aforesaid, shall, for the purpose of determining such Appeal, impanel a Jury of *Twelve* disinterested men out of the persons returned to serve as Jurymen at such Quarter Sessions, whose verdict shall be final and conclusive to all intents and purposes ; and the said Justices at the said Quarter Sessions shall have power to award such costs to the parties appealing or appealed against as they the said Justices shall think proper, such costs to be levied and recovered in the same manner as any penalties or forfeitures are recoverable under the said recited Act ; and no proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for want of form : Provided always, That in case there shall not be time to give such notice as aforesaid before the next Sessions to be holden after such order, determination or judgment, then and in every such 20 25 30 35 40

such case such Appeal may be made to the Justices at the next following Sessions, who shall proceed to determine such Appeal in manner aforesaid : Provided always, That it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such notice and statement
 5 shall have been so given as aforesaid ; nor on the hearing of such Appeal to go into or give evidence of any other grounds of Appeal than those set forth in such statement as aforesaid.

And be it further Enacted, That this Act may be amended, altered
 or repealed by any Act or Acts to be passed during the present Session
 10 of Parliament.

4.
 Act may be
 amended, &c.
 this Session.

And be it further Enacted, That this Act shall continue and be in
 force for *One* Year only, and no longer.

5.
 Act to con-
 tinue for One
 Year only.

And be it further Enacted, That this Act shall be deemed a Public
 Act, and shall extend to that part of Great Britain called England, and
 be judicially taken notice of as such by all Judges, Justices and other
 persons whatsoever, without the same being specially shown or pleaded.

6.
 Public Act.

Highway Rates.

A

B I L L

To authorize the Application of Highway
Rates to Turnpike Roads in certain cases.

(Prepared and brought in by
Mr. Shaw Leffere and Mr. Lynch.)

*Ordered, by The House of Commons, to be Printed,
15 July 1836.*

24 March 1836.—6 WILL. IV.



A

B I L L

For further improving the Road between
London and Holyhead, by Coventry, Birmingham
and Shrewsbury.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS an Act was passed in the fifty-fifth year of the
reign of his late Majesty King GEORGE the Third, in-
titled, “An Act for granting to his Majesty the sum of Twenty
thousand Pounds, to be issued and applied towards repairing Roads
5 between London and Holyhead by Chester, and between London
and Bangor by Shrewsbury;” and by the said Act certain Com-
missioners were appointed for carrying the same into execution :

Preamble:
55 Geo. 3.
c. 152.

And whereas an Act was passed in the first and second years of
the reign of his late Majesty King GEORGE the Fourth, intituled,
10 “An Act for further improving the Roads between London and
Holyhead, by Coventry, Birmingham and Shrewsbury :”

1 & 2 Geo. 4.
c. 30.

And whereas an Act was passed in the fourth year of the reign of
his late Majesty King GEORGE the Fourth, intituled, “An Act for
vesting in Commissioners the Bridges now building over the Menai
15 Straits and the River Conway, and the Harbours of Howth and
Holyhead, and the Road from Dublin to Howth; and for the further
Improvement of the Road from London to Holyhead;” and by the
said Act certain Commissioners were appointed for carrying the
same into execution, and various powers were given to the said
Commissioners :

4 Geo. 4.
c. 74.

7 Geo. 4.
c. 76.

And whereas an Act was passed in the seventh year of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act for further extending the Powers of an Act for vesting in Commissioners the Bridges building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth, and for the further Improvement of the Road from London to Holyhead:" 5

7 & 8 Geo. 4.
c. 35.

And whereas an Act was passed in the seventh and eighth years of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act for the further Improvement of the Road from London to Holyhead, and of the Road from London to Liverpool:" 10

9 Geo. 4.
c. 75.

And whereas an Act was passed in the ninth year of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act for the further Improvement of the Road from London to Holyhead, and of the Road from London to Liverpool:" 15

3 & 4 W. 4.
c. 43.

And whereas an Act was passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act for transferring to the Commissioners of His Majesty's Woods and Forests the several Powers now vested in the Holyhead Road Commissioners, and for discharging the last-mentioned Commissioners from the future Repairs and Maintenance of the Roads, Harbours and Bridges now under their Care and Management;" and by the said Act it was directed that the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings, for the time being, and such other person or persons as should be nominated and appointed in manner therein mentioned, should be Commissioners for carrying into execution the powers and provisions of the several therein and hereinbefore recited Acts and that Act: 20 25

4 & 5 W. 4.
c. 66.

And whereas an Act was passed in the fourth and fifth years of the reign of His said present Majesty, intituled, "An Act for empowering the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings, to pay the Net Proceeds of the Tolls of the Menai and Conway Bridges into the Receipt of His Majesty's Exchequer at Westminster, to the Account of the Consolidated Fund:" 30 35

1 & 2 Geo. 4.
c. 107.

And whereas an Act was passed in the first and second years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for more effectually repairing the Road from Dunstable, in the County of Bedford, to the Pondyards, in the County of Hertford:"

And

And whereas an Act was passed in the fifty-fourth year of the reign of his said late Majesty King GEORGE the Third, intituled, "An Act for continuing and amending an Act of his present Majesty, for repairing the Road from Dunstable to Hockliffe, in the County of Bedford:"

54 Geo. 3.
c. 121.

And whereas an Act was passed in the eleventh year of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act for more effectually repairing and maintaining the Road between Hockliffe, in the County of Bedford, and Stoney Stratford, in the County of Buckingham:"

11 Geo. 4.
c. 83.

And whereas an Act was passed in the third year of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act for continuing and amending three Acts of his late Majesty, for repairing the Road from Old Stratford, in the County of Northampton, to Dunchurch, in the County of Warwick:"

3 Geo. 4.
c. 91.

And whereas an Act was passed in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for repairing the Road from Dunchurch to Stonebridge, in the County of Warwick:"

5 Geo. 4.
c. 43.

And whereas an Act was passed in the fifty-ninth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act for vesting in Commissioners the Line of Road from Shrewsbury, in the County of Salop, to Bangor Ferry, in the County of Carnarvon, and for discharging the Trustees, under several Acts of the seventeenth, twenty-eighth, thirty-sixth, forty-first, forty-second, forty-seventh and fiftieth years of his present Majesty, from the future Repair and Maintenance thereof, and for altering and repealing so much of the said Acts as affects the said Line of Road:"

59 Geo. 3.
c. 30.

And whereas an Act was passed in the fifth and sixth years of the reign of His present Majesty, intituled, "An Act to amend and alter an Act of the fifty-ninth year of his late Majesty King GEORGE the Third, for vesting in Commissioners the Line of Road from Shrewsbury, in the County of Salop, to Bangor Ferry, in the County of Carnarvon, and for discharging the Trustees, under several Acts of the seventeenth, twenty-eighth, thirty-sixth, forty-first, forty-second, forty-seventh and fiftieth years of his then present Majesty, from the future Repair and Maintenance thereof, and for repealing so much of the said Acts as affects the said Line of Road:"

5 & 6 W. 4.
c. 21.

And whereas an Act was passed in the first and second years of the reign of His present Majesty, intituled, "An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills

1 & 2 W. 4.
c. 24.

and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the purposes of the said Acts:"

3 & 4 W. 4.
c. 32.

And whereas an Act was passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to amend the several Acts authorizing Advances for carrying on Public Works:" 5

And whereas it would be of great public benefit if the said Commissioners for the issue of Exchequer Bills, acting in execution of the said two last-recited Acts, were authorized and empowered to advance to the Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, a sum of Money, in order that the alterations and improvements mentioned and specified in the Schedule marked (A.) to this Act annexed, may be made, and the said Money applied for such purpose to and amongst the several Trustees referred to in the said Schedule, in such proportions as the said last-mentioned Commissioners may direct and appoint; 10 15

May it therefore please Your MAJESTY,

That it may be Enacted; ~~And be it Enacted~~, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty and their successors, shall be Commissioners for carrying into effect the purposes of this Act, and making and completing the said several alterations and improvements on the said Roads described and set forth in the Schedule (A.) to this Act annexed. 20 25

1.
Commissioners.

2.
Exchequer Bill Commissioners to issue to the Commissioners under 3 & 4 W. 4. c. 4). the sum of

And be it further Enacted, That it shall and may be lawful to and for the said Commissioners for the issue of Exchequer Bills, and they are hereby authorized, on application being made to them by the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, to advance to them, the said last-mentioned Commissioners, or as they may direct or appoint, any sum or sums of Money in Exchequer Bills, not exceeding in the whole the sum of upon the terms and conditions hereinafter mentioned. 30 35

3.
Such Commissioners thereupon to execute an Instrument acknowledging the Ad-

And be it further Enacted, That upon the said Commissioners for the issue of Exchequer Bills making such advance to the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, the said last-mentioned Commissioners,

Commissioners, or any *Three* of them, shall execute an instrument in writing in such form as the said Commissioners for the issue of Exchequer Bills shall direct and appoint, in which instrument the said Commissioners acting in execution of the said first-recited Act of the

5 third and fourth year of the reign of His present Majesty, shall acknowledge the receipt of the said Exchequer Bills, and shall undertake to apply the produce thereof in the manner in which the same ought to be applied, in pursuance of the directions hereinafter contained, and shall also undertake to pay to them, the said

10 Commissioners for the issue of Exchequer Bills, or as they may direct, such sum or sums of Money as the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty shall from time to time receive, on account of the repayment of any advance, and the

15 interest thereof, when and as the same shall be received by them under the powers hereinafter contained, and shall further undertake to put in force, if necessary, the several powers and remedies hereinafter given them for obtaining payment thereof.

vance and, undertaking to apply the same as herein directed.

And be it further Enacted, That the Commissioners acting in

20 execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, shall apply the sums so to be advanced to them by the said Commissioners for the issue of Exchequer Bills as aforesaid in the manner following; (that is to say) any sum not exceeding the sum of in the making

25 and completing the alterations and improvements mentioned in the said Schedule marked (A.) to this Act, in the Road within the limits and district of the Dunstable Trust; any sum not exceeding the sum of Pounds, in the making and completing the alterations and improvements mentioned in the said Schedule, in

30 the Road within the limits and district of the Puddle Hill Trust; any sum not exceeding the sum of in the making and completing the alterations and improvements mentioned in the said Schedule, in the Road within the limits and district of the Hockliffe and Stratford Trust; any sum not exceeding the sum of in the making and completing the alterations

35 and improvements mentioned in the said Schedule, in the Road within the limits and district of the Stratford and Dunchurch Trust, and in paying off the sum of already laid out and expended by the Trustees of the said Road in improvements and alterations within the said Trust; any sum not exceeding the

40 sum of in the making and completing the alterations and improvements mentioned in the said Schedule, in the Road within the limits and district of the Dunchurch and Stonebridge Trust; and any sum not exceeding the sum of in the making and completing the alterations and improve-

4.
Manner in which the said Advances shall be applied.

ments mentioned in the said Schedule, in the Road within the limits and district of the Shrewsbury and Holyhead Trust.

5.
Application of
surplus.

And be it further Enacted, That in case it shall be found that any or either of the sums hereinbefore authorized to be appropriated by the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, in making and completing the alterations and improvements in the Roads hereinbefore mentioned, shall be more than is required for the purposes for which the same shall have been advanced, the surplus thereof shall be applied by the said last-mentioned Commissioners in making such other improvements as they shall think proper, on any part of the said Road from London to Holyhead which shall be within the same Trust.

6.
Powers of
former Acts
extended to
this Act, and
particularly
the power of
purchasing
Land.

And be it further Enacted, That all the powers and authorities given by the said first-recited Act of the third and fourth year of the reign of His present Majesty to the said Commissioners acting in execution thereof, either expressly or by reference to former Acts, and all the clauses and provisions therein contained, or such of the said clauses and provisions as are in any manner applicable to the purposes of this Act, shall be and they are hereby extended in such manner as that the said Commissioners acting in execution of the said last mentioned Act shall be enabled to make the alterations and improvements hereinbefore directed to be made, and shall have all facilities and advantages for enabling them to make the same, as fully, amply and effectually to all intents and purposes whatsoever, as if the same powers, authorities, clauses and provisions were repeated and re-enacted in and by this present Act, with reference to the said alterations and improvements, and particularly that the said last-mentioned Commissioners shall have the same power of taking and acquiring any ground or materials which may be required, for the purpose of making the said alterations and improvements, as, in and by the said recited Act of the fifty-fifth year of his late Majesty King GEORGE the Third, is given to the Commissioners acting under that Act, of taking and acquiring any such ground or materials as may be necessary for repairing, altering, making or constructing the Roads in that Act mentioned or referred to; and all the clauses and provisions contained in the said recited Act of the fifty-fifth year of the reign of his late Majesty King GEORGE the Third, with respect to the taking or acquiring of any ground to be so taken and acquired by the Commissioners acting under that Act, shall be and they are hereby extended and made applicable to the acquiring or taking by the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, of any ground which may be

(7)

be required for the purpose of making the alterations and improvements hereinbefore mentioned.

Provided always, and be it further Enacted, That the several clauses, powers and provisions of the said recited Act of the seventh year of the reign of his late Majesty King GEORGE the Fourth contained, with respect to the purchasing or otherwise acquiring of and making satisfaction for injury or damage to the houses, gardens, lawns, orchards, grounds and lands by that Act authorized to be purchased, acquired, used or taken by the Commissioners therein named, shall equally apply to the purchasing or otherwise acquiring by the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, under the powers of this Act, and to the paying and making satisfaction for the houses, gardens, lawns, orchards, grounds and lands by this Act authorized to be purchased, acquired, taken or used, in the same manner or as nearly so as circumstances will admit, as they would if the same were so purchased, acquired, taken or used by the said Commissioners, under the powers and provisions of the said Act of the seventh year aforesaid, for the purposes in this Act mentioned.

7.
Powers and provisions of 7 Geo. 4. c. 76. as to Purchases extended to this Act.

AND whereas, for the purposes of making several of the alterations and improvements hereinbefore directed to be made, it will be expedient and necessary to take down and remove the houses described in the Schedule marked (B.) to this Act annexed, and to take and make use of the gardens, lawns, orchards and grounds attached to such houses, or specified and described in the said Schedule; BE it therefore further Enacted, That it shall and may be lawful for the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, to take down and remove all or any of the houses described in the said Schedule marked (B.) to this Act annexed, and also to take and make use of any of the gardens, lawns, orchards or grounds attached to such houses so described in the said Schedule marked (B.), if they shall deem it necessary or expedient to remove, take or make use of the same, for the purpose of making the alterations and improvements in this Act mentioned; but the said last-mentioned Commissioners, previously to their removing or taking any such houses, gardens, lawns, orchards or grounds, shall give Six Months' notice in writing to the Occupier or Occupiers thereof of their intention so to do, and shall also first make such satisfaction to the Owner or Owners, Occupier or Occupiers of such house or houses, gardens, lawns, orchards or grounds, as shall be agreed upon between him, her or them and the said last-mentioned Commissioners, or as shall be ascertained by a Jury in

8.
Power to take down Houses in Schedule (B.) on giving Notice and tendering Satisfaction.

the manner directed by the said recited Act of the seventh year of the reign of his late Majesty King GEORGE the Fourth.

9.
Omissions or
Misnomers in
the Schedule
(B.) not to
retard the
execution of
the Act.

Provided always, and be it further Enacted, That if any of the houses mentioned and described in the said Schedule marked (B.) to this Act, or any of the persons in whose possession or occupation the same or any part thereof are or is stated or described to be, shall happen to be omitted, misnamed or inaccurately described, then and in such case, if it shall appear to any *Two* or more of His Majesty's Justices of the Peace for the county, city or place wherein the same shall be situated, and be certified by writing under their hands, that such omission, misnomer or inaccurate description proceeded from mistake, shall not prevent or retard the execution of this Act, but the same premises, and every part thereof, shall and may be purchased and sold, or assessed and valued in manner herein mentioned, and conveyed, disposed of and applied for and to the purposes of making the alterations and improvements hereinbefore mentioned, as fully and effectually as if the same was or were properly named and described in the said Schedule.

10.
Commission-
ers required
to make Con-
tracts for
making the
Improve-
ments.

And be it further Enacted, That the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, shall and may and they are hereby empowered and required to make such Contracts and Agreements as they shall think proper, with skilful persons and their sureties, for the carrying on, making and completing of the alterations and improvements hereinbefore mentioned, and to appoint such person or persons as they shall think proper, who shall from time to time, under such regulations as the said Commissioners shall direct, draw for the necessary sums to defray the expenses thereof; and such payments shall from time to time be placed to the account of the Trusts, in the limits or districts of which the expenses shall be incurred; and all the said alterations and improvements hereinbefore directed to be made and completed on the said Roads shall be done by Contract, and in no other way.

11.
New Roads, as
soon as com-
pleted and
opened to the
Public, to be-
come part of
the old Roads.

And be it further Enacted, That every new piece of Road which shall be made, altered or improved under the provisions herein contained, shall be open to the Public as soon as the same shall be completed, and shall from thenceforth be deemed and taken to be and shall become to all intents and purposes a part of that Road, to which the old Road, or part of a Road, in lieu of or for the improvement of which such new piece of Road shall have been made, did belong before the making of such new piece of Road, and shall be vested in the Trustees or Commissioners in whom such old Road, or part of a Road, shall have been vested, and shall be maintained and repaired

repaired by them, and shall be subject to all such trusts, and to all such Acts of Parliament, and to all such provisions contained in any Act or Acts of Parliament as such old Road, or part of a Road, shall have been subject to immediately before such new piece of Road shall be completed and opened to the Public as aforesaid.

And be it further Enacted, That it shall and may be lawful to and for the Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, when and so soon as the new piece of Road, mentioned in the Schedule (A.) to this Act, intended to be made within the Dunstable Trust shall be opened to the Public, to cause a tollgate or gates, or bar or bars, and sidegate or gates, with a tollhouse or tollhouses, to be erected and set up on or by the side of such part or parts of the said new Road as to them shall seem most convenient; and it shall and may be lawful for the Trustees of the Dunstable Trust acting under and by virtue of the said recited Act of the first and second year of the reign of his late Majesty King GEORGE the Fourth, and they are hereby authorized, empowered and required, when and as soon as such tollgate or gates, or bar or bars, and sidegate or gates, and tollhouse or houses, shall be completed, to take, demand and collect of the person or persons attending any horses, cattle or carriages passing along the said last-mentioned new Road, and through the said tollgate or bar or sidegates, before any horse, beast, cattle or carriage shall be permitted to pass through the same, the Tolls following; (that is to say)

12.
Power to the Trustees of the Dunstable Trust to take Tolls.

FOR every horse, mule, ass, ox or other beast of draught, drawing any carriage, the sum of <i>Two-pence</i> :	TOLLS. [Tolls under 1 & 2 Geo. 4. 6 d.
For every horse, mule or ass, laden or unladen, and not drawing, the sum of <i>One Penny</i> :	2 d.
For every drove of oxen, cows or neat cattle, the sum of <i>Five-pence</i> per score; and so in proportion for any greater or less number; and	1 s. 3 d.
For every drove of calves, hogs, sheep or lambs, the sum of <i>Two-pence Halfpenny</i> per score; and so in proportion for any greater or less number.	7 ½ d.]

Which respective sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed: Provided always, That no more than *One Toll* shall be demanded or taken from any person or persons for passing and repassing on the same day, to be computed from *Twelve* of the clock at night to *Twelve* of the clock of the next succeeding night, with the same horse, beast, cattle and carriage, through either of the tollgates or turnpikes to be erected

Tolls to be paid but once a day, except for Stage-Coaches and Caravans.

by virtue of this Act upon the said before-mentioned new piece of Road (save and except from stage-coaches and caravans travelling for hire, which shall pay each and every time of passing along the said Road.)

13.
Application of
the Tolls to
be collected
by the Dun-
stable Trust
in the new
Line of Road.

And be it further Enacted, That the produce of the Tolls to be 5
collected and taken by the Trustees of the Dunstable Trust, under
the authority of this Act, shall, after deducting the expenses of
collecting and receiving the same, be annually accounted for and
paid over by the said Trustees to the Commissioners acting in
execution of the said first-recited Act of the third and fourth year 10
of the reign of His present Majesty, until the amount of the sum or
sums to be advanced under the provisions of this Act, and applied
in making and completing the said new piece of Road, together
with interest for the same, after the rate of per centum
per annum, to be computed on the said sum or sums from the 15
time of advancing the same, shall have been paid off and dis-
charged; the said interest of per centum per
annum on so much of the said principal sum or sums so to be
advanced as aforesaid, as shall from time to time remain due, to be
in the first place paid, and the balance which shall from time to 20
time arise from the said Tolls shall be applied, so far as the same
may extend, in discharge of the said principal sum or sums so to be
advanced as aforesaid; and when and so soon as the said principal
Money, together with the interest thereon, shall be fully paid off
and discharged, the said Trustees of the Dunstable Trust shall cease 25
to collect the said Tolls.

14.
Tolls may be
levied on the
new Line of
Road as other
Tolls.

And be it further Enacted, That all the said Tolls hereby
authorized to be taken, collected and received by the said Trustees
of the Dunstable Trust on the said new Road, shall and may be 30
demanded, taken, collected and recovered by the said Trustees, by
and under all such and the like powers, authorities, provisions and
remedies as the Tolls now are demanded, taken, collected and
recovered on the Road now under the management of the said
Trustees; and all and every Act of Parliament, and all clauses, 35
exemptions, penalties, forfeitures and provisions relating to the said
last-mentioned Road, and to the Tolls taken thereon, shall be in full
force, operation and effect, as far as the same severally apply with
respect to the said new Road, and the Tolls hereby authorized to be
taken thereon, and shall be exercised and put in force by the said
Trustees of the Dunstable Trust as fully and effectually as if the 40
same were repeated and re-enacted in and by this Act with relation to
the said new Road, and the Tolls hereby authorized to be collected
thereon.

Provided

Provided always, and be it further Enacted, That it shall and may be lawful to and for the Trustees of the Dunstable Trust, and they are hereby authorized and empowered (by and with the consent and approbation of the Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, such consent to be testified in writing under their hands or the hands of any *Three* of them) to take, demand, recover and levy the said Tolls hereby authorized to be taken, collected and received by them on the said last-mentioned new Road at any other turnpike or gate in the line of Road within the Dunstable Trust, in lieu of collecting and receiving the same at the tollgates or bars, and sidegates and tollhouses hereinbefore authorized to be erected and set up on such new Road as aforesaid; and such Tolls shall and may be demanded, taken, collected and recovered by the said Trustees at such other turnpike or gate as aforesaid, by and under all such and the like powers, authorities, provisions and remedies as are hereinbefore given to them for receiving, collecting and recovering the same at the said tollgate or gates and bar or bars, and sidegate or gates hereinbefore authorized to be erected and set up as aforesaid.

15.
The new Tolls may be levied by the Trustees of the Dunstable Trust (with the consent of the Commissioners of 3 & 4 W. 4.) at any Turnpike Gate within the Dunstable Trust.

Provided always, and be it further Enacted, That in case the old and new Tolls shall be collected and received at the same gate, a separate and distinct account shall be kept by the Trustees of the Dunstable Trust of the new Toll or Tolls hereinbefore authorized and directed to be collected and received by them in respect of the new line of Road.

16.
Separate Accounts to be kept of the old and new Tolls received at the same Gate.

And be it further Enacted, That in case the Trustees of the Dunstable Trust shall neglect or refuse for the space of Days after the said new piece of Road as aforesaid shall be opened to the Public, to collect, demand and receive the said Tolls according to the powers and directions of this Act, or shall make default in payment of the produce of such Tolls hereinbefore directed to be annually accounted for, and paid over by them to the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, or the interest thereof, then and in any or either of such cases it shall be lawful for the said Commissioners to appoint a Toll Collector, and to take, demand, recover and levy the said Tolls hereinbefore authorized and required to be taken, demanded and received on the said new Road hereinbefore mentioned at the tollgate or gates, or bar or bars, and sidegate or gates, and tollhouse or houses hereinbefore authorized and directed to be erected and set up by them as aforesaid; and the said last-mentioned Commissioners shall continue in possession of the said tollgate or gates, and bar or bars, and toll-

17.
If Trustees of Dunstable Trust neglect taking Tolls, Commissioners to collect the same.

house or houses, and shall receive the said Tolls until the principal sum or sums to be advanced under the provisions of this Act, with interest thereon as aforesaid, shall be fully paid off and discharged; and the said last-mentioned Commissioners shall and may and they are hereby authorized and empowered to exercise and put in force all the powers, authorities, remedies and provisions which might be put in force by the said last-mentioned Trustees for the demanding, receiving and recovering the said Tolls. 5

18.
Trustees of
Dunstable
Trust dis-
charged from
the Repair of
old piece of
Road.

And be it further Enacted, That when and so soon as the new piece of Road, mentioned in the Schedule (A.) to this Act, hereinbefore authorized and directed to be made within the Dunstable Trust shall be completed and opened to the Public, the said Trustees of the Dunstable Trust shall be and they are hereby discharged and freed from the future repairs and support of the old piece of Road in lieu of which such new piece of Road shall be made; and such old piece of Road shall from thenceforth cease, and be no longer continued as a Turnpike Road. 10 15

19.
The Loan to
the Puddle
Hill Trust to
become a
Charge on and
to be paid out
of the Tolls
arising from
the Roads
within their
Trust.

And be it further Enacted, That when and so soon as the alterations and improvements, mentioned in the Schedule (A.) to this Act, intended to be made on the Road within the Puddle Hill Trust shall be completed by the Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, the said sum of hereinbefore authorized and directed to be appropriated by the said Commissioners in making and completing such alterations and improvements, shall become a charge on the tolls, rates and duties authorized and directed to be collected and received by the said Trustees acting in execution of the said recited Act of the fifty-fourth year of the reign of his late Majesty King GEORGE the Third, for repairing the Road from Dunstable to Hockliffe, in the county of Bedford, on the Roads within the said Trust; and the said Trustees shall and they are hereby authorized and required, with and out of the said tolls, rates and duties, to pay to the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, the annual sum of *Eight hundred Pounds*, by two equal half-yearly payments, on the and the the first of such half-yearly payments to begin and be made on such of those days as shall first happen next after the alterations and improvements hereinbefore mentioned shall be completed, until the said sum of with interest thereon at the rate of 20 25 30 35 40

per centum per annum, to be computed on the said sum or sums from the time of advancing the same on such part or parts of the said principal Money as shall from time to time remain due and unpaid, shall be fully paid off and discharged.

And

And be it further Enacted, That if the said last-mentioned Trustees shall make default in payment of the said annual sum of *Eight hundred Pounds*, or any part thereof as aforesaid, then and in such case it shall and may be lawful for the said Commissioners acting in
 5 execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, to enter upon and take possession of the tollgates, bars and tollhouses of the said Trustees, and to retain the same, and to collect, receive, take and recover the Tolls arising upon the said Roads under the care of such Trustees, subject never-
 10 theless to the expense of the necessary repairs of such Road or Roads, until the said principal sum of together with the interest for the same, and the expenses of such seizure, shall be fully paid and satisfied; and the said last-mentioned Commissioners shall and may and they are hereby authorized and empowered to
 15 exercise and put in force all the powers, authorities, remedies and provisions which might be put in force by the said last-mentioned Trustees for the demanding, receiving and recovering the said Tolls.

20.
 In case Trustees of the Puddle Hill Trust neglect to pay Installments of Principal and Interest, Commissioners may take possession of Tollgates, and collect Tolls.

Provided always, and be it further Enacted, That in case the said
 20 Trustees acting in execution of the said recited Act of the fifty-fourth year of the reign of his late Majesty King GEORGE the Third, shall be desirous to conduct and complete the alterations and improvements by this Act authorized and directed to be made on the Road within the limits of their Trust, under their own care and manage-
 25 ment, it shall and may be lawful for the Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, and they are hereby authorized and empowered to make any agreement they may think proper with the said Trustees for the making and completing by them of such
 30 alterations, repairs and improvements, according to such plan as shall be previously approved by the said last-mentioned Commissioners, and under the direction and superintendence of the Surveyor to be by them employed, and also to authorize and appoint the said Trustees, or some person or persons on their behalf, from time to
 35 time, under such regulations as the said Commissioners shall direct, to draw for the necessary sums to defray the expenses thereof; and such payments shall from time to time be placed to the account of the said Trustees.

21.
 Power for Commissioners of 3 & 4 W. 4. to agree with the Trustees of the Puddle Hill Trust, that the alterations in their Road may be done under their own care and management.

And be it further Enacted, That it shall and may be lawful to
 40 and for the Trustees of the Hockliffe and Stratford Road, and they are hereby authorized, empowered and required to continue the additional Tolls by them imposed and raised, and now levied for the purpose of paying off the sum of Seven thousand Pounds, advanced under the powers and provisions of the said first-recited Act of the

22.
 Trustees of Hockliffe and Stratford Road to continue additional Tolls.

first and second year of the reign of his late Majesty King GEORGE the Fourth, by the Commissioners for the issue of Exchequer Bills to the Commissioners for executing that Act, on account of and appropriated to the making of certain improvements, repairs and alterations, specified and described in the Schedule (A.) to the said Act, in the Roads within the limits of the said Trust; and also the further sum of One thousand five hundred Pounds, advanced under the powers and provisions of the said recited Act of the fourth year of the reign of his said late Majesty King GEORGE the Fourth, on account of the said improvements, repairs and alterations, and in making other improvements between Hockliffe and Stratford; and also the further sum of Four thousand seven hundred Pounds, advanced under the powers and provisions of the said recited Act of the ninth year of the reign of his said late Majesty King GEORGE the Fourth, in making other improvements in the said Road within the said Trust; and also such further sum, not exceeding Two thousand five hundred Pounds, mentioned in the said recited Act of the fourth and fifth year of the reign of His present Majesty, to have been laid out and applied by the said Commissioners acting in execution of the said recited Act of the fourth year of the reign of his said late Majesty King GEORGE the Fourth, in further improvements on the said Road between Hockliffe and Stratford, and all interest due or to become due on the said advances, until as well the said last mentioned several sums, and all interest due or to become due thereon respectively, as also the principal sum or sums to be paid by the Trustees of the Hockliffe and Stratford Road to the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, as hereinafter directed, together with all interest thereon, shall be fully paid off and discharged.

23.
Trustees of
the Hockliffe
and Stratford
Road to pay
to Commis-
sioners out of
additional
Tolls the
Sums ad-
vanced under
this Act for
Improve-
ments within
their District.

And be it further Enacted, That it shall and may be lawful for the Trustees of the Hockliffe and Stratford Road, and they are hereby authorized and required, with and out of the said additional Tolls (but subject and without prejudice to the payment of the said several sums of Seven thousand Pounds, One thousand five hundred Pounds, Four thousand seven hundred Pounds, and Two thousand five hundred Pounds, or such part or parts thereof respectively as may be due and unpaid, and the interest thereon, or on such part or parts thereof respectively), to repay to the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, the sum or sums to be advanced under the provisions of this Act, and to be applied in making and completing the alterations and improvements of the Road within the said Trust mentioned in the Schedule (A.) to this Act, together with interest, at the rate of

per centum per annum, to be computed from the time or respective times of the advancing thereof, on so much of the said last-mentioned sum or sums as shall from time to time remain due and unpaid.

5 And be it further Enacted, That it shall and may be lawful for the Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, and they are hereby authorized and required, when and so soon as the new piece of Road, mentioned in the Schedule (A.) to this Act,
10 intended to be made within the Stratford and Dunchurch Trust shall be opened to the Public, to cause a tollgate or gates, or bar or bars, and sidegate or gates, with a tollhouse or tollhouses, to be erected and set up on or by the side of such part or parts of the said new Road as to them shall seem most convenient; and it shall and may
15 be lawful for the Trustees of the Stratford and Dunchurch Trust, acting under and by virtue of the said recited Act of the third year of the reign of his late Majesty King GEORGE the Fourth, and they are hereby authorized, empowered and required, when and as soon as such tollgate or gates, or bar or bars, and sidegate or gates, and
20 tollhouse or houses shall be completed, to take, demand and collect of the person or persons attending any horses, cattle or carriages passing along the said last-mentioned new Road and through the said tollgate or bar or sidegate, before any horse, beast, cattle or carriage shall be permitted to pass through the same, the Tolls following; (that is to say)

24.
Commissioners of 3 & 4 W. 4. to erect Tollgates, &c. on new piece of Road within the Stratford and Dunchurch Trust.

Power for the Trustees of the Stratford and Dunchurch Trust to take Tolls.

FOR every horse or beast of draught, drawing any coach, sociable, TOLLS.

berlin, landau, chariot, barouche, chaise, marine calash, cur-
ricle, chair, gig, whiskey, caravan, hearse, litter or other such
30 like carriage, if drawn by more than Four horses or other beasts of draught, the sum of *Sixpence*; and if drawn by Four horses or other beasts of draught, the sum of *Sixpence*; and if drawn by Two horses or other beasts of draught, the sum of *Sevenpence Halfpenny*; and if drawn by One horse or other beast of draught, the sum of *Sevenpence Halfpenny*:

35 For every horse, mule, ass, ox or bullock, drawing any waggon, wain, drag, cart or other such like carriage, the sum of *Fivepence*:

For every horse, mule or ass, laden or unladen, and not drawing, the sum of *Two-pence*:

40 For every timber carriage or drag, so constructed as that the distance between the axletrees shall be more than nine feet, and laden otherwise than with a single piece or block of timber or stone, the sum of *One Shilling and Three-pence Halfpenny*, over and above the toll or duty hereinbefore made payable for such carriage, and the horses or beasts of draught drawing the same:

For every drove of oxen or neat cattle, the sum of *One Shilling and Seven-pence* per score; and so in proportion for any greater or less number of them :

For every drove of calves, swine, sheep or lambs, the sum of *Seven-pence Halfpenny* per score; and so in proportion for any greater or less number of them. 5

Tolls to be paid but once a day, except for Stage-Coaches and Caravans.

Which respective sums of money hereby authorized to be taken as aforesaid shall be demanded and taken in the name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed: Provided always, 10 That no more than one Toll shall be demanded or taken from any person or persons for passing and repassing on the same day, to be computed from *Twelve* of the clock at night to *Twelve* of the clock of the next succeeding night, with the same horse, beast, cattle and carriage through either of the tollgates or turnpikes 15 to be erected by virtue of this Act upon the said last-mentioned new Road, save and except from stage-coaches and caravans travelling for hire, which shall pay each and every time of passing along the said Road.

25.
Application of the Money arising by the Tolls.

And be it further Enacted, That the produce of the said Tolls to 20 be collected and taken by the Trustees of the Stratford and Dunchurch Trust, under the authority of this Act as hereinbefore mentioned, shall, after deducting the expenses of collecting and receiving the same, be annually accounted for and paid over by the said Trustees of the said Stratford and Dunchurch Trust to the 25 Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, until the amount of the sum or sums to be advanced under the provisions of this Act, and applied in repayment of the Money already expended by the said Trustees in improvements and alterations within 30 the said Trust, and in completing the said new piece of Road as aforesaid, together with interest for the same, after the rate of

per centum per annum, to be computed on the said sum or sums from the time of advancing the same, shall have been paid off and discharged; the said interest of per centum per 35 annum on so much of such principal sum or sums so to be advanced as aforesaid as shall from time to time remain due, to be in the first place paid, and the balance which shall from time to time arise from the said Tolls shall be applied, so far as the same may extend, in discharge of the said principal sum or sums so to be ad- 40 vanced as aforesaid, and when and so soon as the said principal Money, together with the interest thereon, shall be fully paid off and discharged, the said Trustees of the Stratford and Dunchurch Trust shall cease to collect the said Tolls.

Provided

26.

Trustees of
Stratford and
Dunchurch
Trust to re-
pay out of old
Tolls the
annual sum of
600*l.* to the
Commission-
ers of 3 & 4
W. 4.

Provided always, and be it further Enacted, That in addition
to the Tolls hereinbefore authorized to be taken, collected and
received by the Trustees of the Stratford and Dunchurch Trust,
and directed to be accounted for and paid over by them to the said
5 Commissioners acting in execution of the said first-recited Act of
the third and fourth year of the reign of His present Majesty as
aforesaid, it shall and may be lawful for the said Trustees, and they
are hereby authorized and required with and out of the original
Tolls raised and levied by them within the limits of their Trust,
10 under and by virtue of the said recited Act of the third year of the
reign of his late Majesty King GEORGE the Fourth as aforesaid,
to pay to the said Commissioners acting in execution of the said
first-recited Act of the third and fourth year of the reign of His
present Majesty as aforesaid, the annual sum of *Six hundred Pounds*,
15 until the said principal sum or sums so to be advanced as afore-
said, and the interest thereof, shall be fully paid off and discharged.

27.

Trustees of
the Stratford
and Dun-
church Trust
to continue
additional
Tolls.

And be it further Enacted, That it shall and may be lawful
for the Trustees of the Stratford and Dunchurch Trust, and they
are hereby authorized and required to continue the additional Tolls
20 by them imposed and raised, and now levied for the purpose of
paying off the sum of Eight thousand Pounds advanced to them by
the Commissioners for the issue of Exchequer Bills, on or about the
Third day of November One thousand eight hundred and Twenty; and
also the sum of Five thousand Pounds, advanced by the said Commis-
25 sioners for the issue of Exchequer Bills, on or about the Twenty-sixth
day of November One thousand eight hundred and Twenty-two,
to the Commissioners for executing the said recited Act of the fifty-
fifth year of the reign of his late Majesty King GEORGE the Third,
to be applied by them to the use of the said Trustees, as directed by
30 the said recited Act of the third year of the reign of his late Ma-
jesty King GEORGE the Fourth, for repairing the Road from Old
Stratford, in the county of Northampton, to Dunchurch, in the county
of Warwick; and also the sum of Five thousand Pounds advanced by
the Commissioners of His Majesty's Treasury to the said Commis-
35 sioners acting in the execution of the said recited Act of the fourth
year of the reign of his late Majesty King GEORGE the Fourth,
to be applied by them to the use of the said Trustees of the Strat-
ford and Dunchurch Trust, as directed by the said recited Act of
the seventh year of the reign of his late Majesty King GEORGE the
40 Fourth, and all interest due and to become due thereon respectively,
until as well the several sums of Eight thousand Pounds, Five thou-
sand Pounds and Five thousand Pounds so advanced, and all
interest due and to become due thereon respectively, as also the
principal sum or sums to be paid by the said Trustees of the Strat-
ford and Dunchurch Trust to the said Commissioners acting in

execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, as hereinafter directed, together with all interest thereon, shall be fully paid off and discharged.

28.

Trustees of
Stratford and
Dunchurch
Trust to apply
additional
Tolls, subject
to existing
Charges, in
repayment of
Sums ad-
vanced under
this Act.

And be it further Enacted, That it shall and may be lawful for the Trustees of the Stratford and Dunchurch Trust, and they are hereby authorized and required, with and out of the said additional Tolls (but subject and without prejudice to the payment of the several sums of Eight thousand Pounds, Five thousand Pounds and Five thousand Pounds, or such part or parts thereof respectively as may now be due and unpaid, and the interest thereon, or on some part or parts thereof respectively), to repay to the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, the sum or sums to be advanced under the provisions of this Act, and to be applied in repayment of the Money already expended by the said Trustees in improvements and alterations within the said Trust, and in making and completing the before-mentioned new piece of Road within the said Trust, together with interest, at the rate of per centum per annum, to be computed from the time or respective times of the advancing thereof, on so much of the said last-mentioned sum or sums as shall from time to time remain due and unpaid.

29.

Trustees of
Stratford and
Dunchurch
Trust dis-
charged from
Repairs of
old piece of
Road.

Provided always, and be it further Enacted, That when and so soon as the new piece of Road, mentioned in the Schedule (A.) to this Act, hereinbefore authorized and directed to be made within the Stratford and Dunchurch Trust shall be completed and opened to the Public, the said Trustees of the Stratford and Dunchurch Trust shall be and they are hereby discharged and freed from the future repairs and support of the old piece of Road, in lieu of which such new piece of Road shall be made, and such old piece of Road shall from thenceforth cease and be no longer continued as a Turnpike Road.

30.

Trustees of
the Dun-
church and
Stonebridge
Trust to con-
tinue addi-
tional and
other Tolls.

And be it further Enacted, That it shall and may be lawful for the Trustees of the Dunchurch and Stonebridge Trust, and they are hereby authorized, empowered and required to continue the several additional and other Tolls by them imposed and raised, and now levied under the powers and authorities of the said recited Acts of the seventh and eighth and ninth years of the reign of his late Majesty King GEORGE the Fourth, for the purpose of paying off the several sums of Three thousand five hundred Pounds, Two thousand Pounds, Twelve thousand Pounds and Four thousand Pounds, in the said Acts mentioned; and a further sum, not exceeding Two thousand five hundred Pounds, mentioned in the said recited

recited Act of the fourth and fifth year of the reign of His present Majesty, and all interest due and to become due on the said several and respective sums, until as well the said last-mentioned several sums, and all interest due or to become due thereon respectively, as
 5 also the principal sum or sums to be paid by the said Trustees of the Dunchurch and Stonebridge Trust to the said Commissioners acting in execution of the said recited Act of the third and fourth year of the reign of His present Majesty, as hereinafter directed, together with interest thereon, shall be fully paid off and discharged.

10 And be it further Enacted, That it shall and may be lawful for the Trustees of the Dunchurch and Stonebridge Trust, and they are hereby authorised and required with and out of the said additional and other Tolls (but subject and without prejudice to the payment of the said several sums of Three thousand five hundred
 15 Pounds, Two thousand Pounds, Twelve thousand Pounds, Four thousand Pounds and Two thousand five hundred Pounds, or such part or parts thereof respectively as may be now due and unpaid,) and the interest thereon or on such part or parts thereof respectively, to repay to the said Commissioners acting in the execution of the
 20 said first-recited Act of the third and fourth year of the reign of His present Majesty, the sum or sums to be advanced under the provisions of this Act, and to be applied in making and completing the alterations and improvements of the Road within the said Trust mentioned in the Schedule (A.) to this Act, together with interest
 25 at the rate of per centum per annum, to be computed from the time or respective times of the advancing thereof on so much of the said last-mentioned sum or sums as shall from time to time remain due and unpaid.

31.
 Trustees of Dunchurch and Stonebridge Trust to repay out of additional and other Tolls, the Sums advanced under this Act for Improvements within their District.

30 And be it further Enacted, That it shall and may be lawful to and for the Trustees of the Dunchurch and Stonebridge Trust, and they are hereby authorized and required, if they shall think it expedient so to do, to remove and take down the tollgate or bar and tollhouse now standing and being in Much Park Street, in the city of Coventry, or to sell and dispose of the same, and to
 35 take, demand, recover and levy at the tollgate or bar, called the Ryton Gate, within the Dunchurch and Stonebridge Trust, in addition to the Tolls now collected and taken by the said Trustees at such gate, the Tolls now collected and taken by the said Trustees at the tollgate at Much Park Street aforesaid, and with and under
 40 the same powers and provisions in every respect, and also to remove and take down the tollgate or bar, and tollhouse near Saint John's Church, in the said city of Coventry, called the Saint John's Church Gate, or to sell and dispose of the same, and to take, demand, recover and levy at the tollgates or bars called the Allesley

32.
 Trustees of Dunchurch and Stonebridge Trust may remove Tollgates in Much Park Street, and near Saint John's Church, in the City of Coventry, and levy Tolls at other Gates.

Gates, within the Dunchurch and Stonebridge Trust, in addition to the Tolls now collected and taken by the said Trustees at such last-mentioned gates, the Tolls now collected and taken by the said Trustees at the said tollgate near Saint John's Church aforesaid, and with and under the same powers and provisions in every respect. 5

33.
Commission-
ers of Shrews-
bury and
Holyhead
Road em-
powered to
take addi-
tional Tolls.

And be it further Enacted, That it shall and may be lawful to and for the Commissioners acting in execution of the said recited Act of the fifty-ninth year of the reign of his late Majesty King GEORGE the Third, and they are hereby authorized and required, 10 when and so soon as the alterations and improvements, mentioned in the Schedule (A.) to this Act, intended to be made in the line of Road between Shrewsbury, in the county of Salop, and the distance of Ten Miles from Shrewsbury, on the road to Oswestry, shall be completed, to demand and take, over and above and in addition to 15 the other Tolls by the said last-mentioned Act directed to be taken, collected and received by the said Commissioners at the respective gates or turnpikes which have been or shall be erected in or upon the said line of Road, the following additional Tolls; (that is to say)

TOLLS.

[Tolls taken
under
59 Geo. 3.:

4 d.

FOR every horse or mule, drawing any coach, chariot, chaise, 20 chair, or such like carriage, any sum not exceeding

2 d.

For every horse or mule, drawing any waggon, cart or such like carriage, with wheels of the breadth of nine inches on the bottom or sole thereof, any sum not exceeding 25

3 d.

For every horse or mule, drawing any waggon, cart or such like carriage, with wheels of the breadth of nine inches as aforesaid, during the months of October, November, December, January, February, March and April, in every year, any sum not exceeding 30

3 d.

For every horse or mule, drawing any waggon, cart or such like carriage, with wheels of the breadth of six inches as aforesaid, and upwards, and not so broad as nine inches, during the months of May, June, July, August and September in every year, any sum not exceeding 35

4 d.

For every horse or mule, drawing any waggon, cart or such like carriage, with wheels of the breadth of six inches as aforesaid, during the months of October, November, December, January, February, March and April in every year, any sum not exceeding 40

For every horse or mule, drawing any waggon, cart or such like carriage, with wheels of less breadth than six inches as aforesaid, said,

said, during the months of May, June, July, August and September in every year, any sum not exceeding 4 d.

5 For every horse or mule, drawing any waggon, cart, or such like carriage, with wheels of less breadth than six inches as aforesaid, during the months of October, November, December, January, February, March and April in every year, any sum not exceeding 6 d.

10 For every ass, ox or other neat cattle, drawing any carriage during the months of May, June, July, August and September in every year, any sum not exceeding 3 d.

For every ass, ox or other neat cattle, drawing any carriage during the months of October, November, December, January, February, March and April in every year, any sum not exceeding 4 d.

15 For every horse, mule or ass, laden or unladen, and not drawing, any sum not exceeding 1 d.

For every sheep, calf or pig, any sum not exceeding 1/2 d.

And for every ox, bull, cow or heifer, any sum not exceeding 1/2 d.]

20 And the said additional Tolls shall be continued to be taken and collected until the said sum of hereinbefore authorized to be applied in making the alterations and improvements in the Road between Shrewsbury, and the distance of Ten Miles from Shrewsbury, on the road to Oswestry, together with interest for the same, at the rate of per centum per annum, shall be 25 fully paid and satisfied.

And be it further Enacted, That it shall be lawful for the said Commissioners acting in execution of the said recited Act of the fifty-ninth year of the reign of his late Majesty King GEORGE the Third, and they are hereby authorized and required to apply the 30 Monies arising from the said additional Tolls to be so collected as aforesaid, in repaying to the said Commissioners acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, the sum of to be applied, under the provisions hereinbefore contained, in making the alterations and improvements in the Road between Shrewsbury, and the 35 distance of Ten Miles from Shrewsbury, on the road to Oswestry, together with interest at the rate of per centum per annum, to be computed from the time or respective times of advancing the same on so much of the said sum of as shall be for the time being due and unpaid, such interest to be 40 paid by two half-yearly payments in every year; and when and as soon as the said sum of together with the interest thereon, shall be fully paid off and discharged, the said Commis-

34.
Additional
Tolls to be
applied in
payment of
the sum of
and
Interest.

sioners acting in execution of the said recited Act of the fifty-ninth year of the reign of his late Majesty King GEORGE the Third shall cease to collect the said additional Tolls.

35.
Distinct Ac-
counts to be
kept of the
additional
Tolls.

And be it further Enacted, That in case the said Tolls on the Road between Shrewsbury and the distance of Ten Miles from Shrewsbury, on the road to Oswestry, shall be let, the said last-mentioned Commissioners shall keep distinct accounts of the said additional Tolls and of the ordinary Tolls, by the said recited Act of the fifty-ninth year of the reign of his said late Majesty King GEORGE the Third authorized to be taken on the said Road. 5 10

36.
Tolls to be
continued,
subject to
existing
powers and
provisions,
with power
for Commis-
sioners of
3 & 4 W. 4.
to take pos-
session of
Tollgates in
case of de-
fault.

And be it further Enacted, That the several Tolls hereby authorized to be taken, collected and received by the Trustees of the Stratford and Dunchurch Trust, on the new piece of Road hereinbefore authorized and directed to be made within the limits of that Trust, and the additional Tolls hereby authorized to be taken, collected and received by the Commissioners acting in execution of the said recited Act of the fifty-ninth year of the reign of his said late Majesty King GEORGE the Third, shall and may be demanded, taken, collected and recovered by the said Trustees and Commissioners respectively, by and under all such and the like powers, authorities, provisions and remedies as other Tolls now are demanded, taken, collected and recovered on the several Roads now under the management of the said Trustees and Commissioners respectively; and all and every act, and all clauses, exemptions, penalties, forfeitures and provisions relating to the several Roads within the limits and districts of such Trustees and Commissioners respectively, and to the Tolls taken thereon, shall be in full force, operation and effect, as far as the same are applicable to the said new and additional Tolls hereby authorized to be taken thereon respectively, and shall be exercised and put in force by the said Trustees and Commissioners respectively, as fully and effectually as if the same were repeated and re-enacted in and by this Act, with relation to the said new and additional Tolls hereby authorized to be collected; and also that the several additional and other Tolls which are and which are to be continued to be levied and raised by the Trustees of the Hockliffe and Stratford Trust, the Trustees of the Stratford and Dunchurch Trust, and the Trustees of the Dunchurch and Stonebridge Trust, as hereinbefore is directed, shall, during the time that they are hereby required to be continued, respectively be levied and raised, and be accounted for and paid over in the manner and under the powers and provisions of the several Acts under which such additional and other Tolls are now collected and taken by such respective Trustees; and in case the said respective Trustees or Commissioners, or any or either of them, shall refuse or neglect to levy, collect or continue the said additional 15 20 25 30 35 40

additional or other Tolls respectively, or shall lower the same, or shall make default in payment of the sum or sums to be paid by them as hereinbefore directed, or the interest thereof respectively, before the same sums, and the interest thereof respectively, shall be fully
 5 paid off and discharged, it shall and may be lawful for the said Commissioners, acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, to enter upon and take possession of the tollgates, bars and tollhouses of the Trustees or Commissioners making default, and to collect,
 10 take, receive and recover the Tolls arising on the Roads under the care of the Trustees or Commissioners making default, and to pay over and apply the same in manner directed by the said several Acts under which such additional and other Tolls are now raised, collected and taken by such Trustees and Commissioners respec-
 15 tively and by this Act, and to execute all the powers, provisions and authorities in and by the said several Acts in such case given, as fully and effectually as if the same were repeated and re-enacted in and by this Act.

And be it further Enacted, That in case any Act or Acts of Par-
 20 liament, under the powers and authorities of which any of the Roads hereby intended to be altered and improved are now repaired and maintained, shall expire, and shall not be renewed, whereby any of the Trusts mentioned and specified in the said Schedule (A.) to this Act, shall be dissolved, and the Trustees acting in the execution of
 25 the Act or Acts of Parliament so expiring discharged, it shall and may be lawful for the said Commissioners for executing the said first-recited Act of the third and fourth year of the reign of His present Majesty, and they are hereby authorized and empowered to take possession of the tollgates or bars and tollhouses on the Road or
 30 Roads previously maintained and repaired under the powers and provisions of such expired Act or Acts, and to continue in possession thereof, and to take, collect, demand and recover all such Tolls as the Trustees under the said expired Act or Acts of Parliament were, previously to the expiration thereof, entitled to take, collect, demand
 35 and recover, until the said Commissioners acting in execution of the said first recited Act of the third and fourth year of the reign of His present Majesty shall be repaid and reimbursed such principal sum of Money as shall, under the provisions of this Act, be due and payable to them, at the expiration of such Act or Acts, from the
 40 Trustees of the Road previously repaired under the provisions of such expired Act or Acts, together with all interest thereon, and the charges and expenses of collecting the same, and all the powers, authorities, provisions, penalties, forfeitures and remedies of such expired Act or Acts shall continue and be in force and available in law, as far as the same may be necessary and required for enabling

37.
 In case any Act under which Trustees are appointed should expire, the Commissioners may take possession of Tollgates, and levy Tolls until Money advanced is repaid.

Commission-
ers not liable
for Repairs of
Roads.

38.

Commission-
ers may grant
Order to
Persons to
seize and levy
Tolls in cases
of default of
Trustees.

the said Commissioners for executing the said recited Act of the third and fourth year of the reign of His present Majesty, to collect, demand and recover the said last mentioned Tolls, and until the said principal sum due and owing to the said last mentioned Commis-
sioners, together with the interest thereof, and the expenses of taking possession of the said tollgates or bars and tollhouses, and of collecting and receiving the said Tolls, shall be fully paid off and discharged :
Provided always, That nothing herein contained shall extend or be construed to extend to make liable the said Commissioners for executing the said first recited Act of the third and fourth year of the reign of His present Majesty, to any charges for the repairs of any Road on which they shall collect and receive the Tolls.

And be it further Enacted, That in every case where power is hereinbefore given to the said Commissioners for executing the said first recited Act of the third and fourth year of the reign of His present Majesty, to seize and collect the Tolls on any Road, the Trustees or Commissioners of which shall neglect or refuse to levy, collect or continue the said additional or other Tolls hereby directed to be taken, collected and continued thereon, or shall lower the same, or shall make default in the payments hereby required to be made for paying off and discharging any sum of Money by this Act charged on such Trustees or Commissioners, it shall and may be lawful for the said Commissioners for executing the said first recited Act of the third and fourth year of the reign of His present Majesty, and they are hereby authorized to grant an Order, under the hands and seals of any *Three* or more of them, to any person or persons authorizing and requiring such person or persons to seize the Tolls then collected and taken by the Trustees or Commissioners so refusing or making default; and the person or persons to whom such Order shall be directed is and are hereby authorized, immediately on receiving such Order, by himself or themselves, or such other person or persons as he or they shall employ for the purpose, forthwith to take possession of the tollgates or bars and tollhouses of the Trustees or Commissioners so refusing or neglecting or making default as aforesaid, and to take, collect and receive the Tolls which such Trustees or Commissioners would otherwise have taken, collected and received; and the said person or persons so executing the said Order shall continue in possession of the said tollgates or bars and tollhouses, and continue to take, collect and receive the said Tolls, and account for the same to the said Commissioners for executing the said first recited Act of the third and fourth year of the reign of His present Majesty, until the principal sum charged on and payable by the Trustees or Commissioners so refusing or neglecting or making default, together with the interest thereon, shall be fully paid and discharged.

And

39.
Penalty for
obstructing
Persons put in
possession.

And be it further Enacted, That the person or persons authorized to enter upon and take possession of the said tollgates or bars as aforesaid shall hold possession thereof, and take, collect, demand and recover the Tolls so entered upon and taken possession of, under all the powers, authorities and provisions, and by the same remedies which the Trustees or Commissioners so neglecting or refusing or making default might have done if such entry and possession had not taken place; and if any Trustee, Commissioner, Collector or other person, shall refuse to deliver up the tollgate or tollbar to the person or persons so authorized, or shall oppose, hinder or obstruct him or them in entering upon and taking such possession, or in the collecting, taking, receiving or recovering any Tolls whatsoever authorized to be taken by any such person under the powers and provisions of this Act, it shall and may be lawful for the person or persons so authorized to enter upon and take such possession, and to collect and take such Toll or Tolls forthwith, to apprehend the person or persons making such obstruction, and to convey him, her or them before some Justice of the Peace acting for the county or district where such obstruction shall take place; or, in case of being unable to apprehend such offender, to apply to such Justice, who, on such application, shall forthwith grant his Warrant to apprehend the person or persons making such obstruction, and to cause him, her or them to be brought before him, and it shall and may be lawful for the Justice before whom the person or persons making such obstruction shall be brought, and he is hereby empowered forthwith to inquire into the truth of the facts, and shall, on proof of the party or parties brought before him having been guilty of such obstruction, such proof to be on the confession of the party or parties, or the oath of one or more credible witness or witnesses, thereupon impose a fine not exceeding the sum of

on every person guilty of such obstruction; and in default of the payment of such fine, or without imposing such fine, the said Justice shall, if he shall think fit, commit the person or persons convicted of any such obstruction to the Common Gaol or House of Correction of the county for which the said Justice shall act, there to remain, without bail or mainprize, for any time not exceeding *Fourteen Days*; and the said Justice shall also, if required, issue his Warrant, directing the Constable or Constables of the hundred within which the turnpike gate and tollhouse to be seized shall be situated, to assist the person or persons so authorized as aforesaid in seizing and taking possession of the same.

40.
Application
of the Money
to be paid by
the Dunstable
and other
Trusts to the
Commission-
ers.

And be it further Enacted, That the several sums of Money to be from time to time paid by the Trustees of the Dunstable Trust, the Trustees of the Puddle Hill Trust, the Trustees of the Hockliffe and Stratford Trust, the Trustees of the Stratford and Dunchurch

Trust, the Trustees of the Dunchurch and Stonebridge Trust, and the Commissioners acting in execution of the said recited Act of the fifty-ninth year of the reign of his late Majesty King GEORGE the Third, under the provisions hereinbefore contained, to the said Commissioners acting in execution of the said first-recited Act of 5 the third and fourth year of the reign of His present Majesty, in the repayment of the Money to be advanced pursuant to the provisions of this Act, and the interest thereof, shall be paid by them, the said last-mentioned Commissioners, to the said Commissioners for the issue of Exchequer Bills; and the receipts of the said Commissioners 10 acting in execution of the said first-recited Act of the third and fourth year of the reign of His present Majesty, or any *Three* of them, for any sums of Money to be so paid to them, shall be sufficient discharges to the Trustees or Commissioners by whom the same shall be paid, and shall protect them from being bound to see to the application thereof, or from being answerable for the mis-application or non-application thereof.

SCHEDULE (A.)

Referred to in this ACT,

Showing the several IMPROVEMENTS to be made by the COMMISSIONERS acting under the 3 & 4 Will. IV. c. 43, the TURNPIKE TRUSTS to which they belong, and the SUM to be applied to each IMPROVEMENT.

TRUST.	DESCRIPTION OF IMPROVEMENT OR ALTERATION.	SUMS to be expended in Improvements.
		<i>£. s. d.</i>
The Trustees of the Dunstable Trust, acting under 1 & 2 Geo. 4. c. 107 - - - }	- - For making a new Road to avoid Flamsted Hill - - - }	
The Trustees of the Puddle Hill Trust, acting under 54 Geo. 3. c. 121 - - - }	For lowering Chalk Hill - - - }	
The Trustees of the Hockliffe and Stratford Trust, acting under 11 Geo. 4. c. 83 - }	- - For lowering High Ash Hill and the Denbigh Hall Hill - - - }	
The Trustees of the Stratford and Dunchurch Trust, acting under 3 Geo. 4. c. 91 - - }	{ - - For lowering the Hills of Fosters, Booth and Stowe, and making an Embankment across the Geese Bridge Valley, and in payment of the sum of expended by the Trustees in other Improvements within their Trust - - }	
The Trustees of the Dunchurch and Stonebridge Trust, acting under 5 Geo. 4. c. 43 - - }	{ - - For lowering Knighton Hill, Willenhall Hill, and the Windmill Hill - - - - - }	
The Trustees or Commissioners of the Shrewsbury and Holyhead Road, acting under 59 Geo. 3. c. 30 - - - }	{ - - For lowering Mountford Hill, between Shrewsbury and the Ten Mile Stone, on the Road to Oswestry - - - - - }	

Holyhead Road.

A

B I L L

For further improving the Road between
London and Holyhead, by Coventry,
Birmingham and Shrewsbury.

(Prepared and brought in by
Sir Henry Parnell and Mr. Stanley.)

Ordered, by The House of Commons, to be Printed,
24 March 1836.



B I L L

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble :

1.
Horse Patrol
to be under
the authority
of Justices.

realm, or of any statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the said Justices for conducting themselves in the execution of their office.

2.
Police Jus-
tices to
appoint Horse
Patrol.

And be it Enacted, That the said Justices may from time to time, 5
subject to the approbation of one of His Majesty's Principal Secre-
taries of State, appoint fit and proper persons to act as such Horse
Patrol, and may frame such Orders and Regulations as they shall deem
expedient relative to the general government of the said Horse Patrol ;
the places of their residence ; the classification, rank and particular 10
service of the several members ; their distribution and inspection ; the
description of arms, accoutrements and other necessities to be fur-
nished them, and all such other Orders and Regulations relative to
the said Horse Patrol as the said Justices shall from time to time
deem expedient ; and the said Justices may at any time sus- 15
pend or dismiss from his employment any man belonging to the said
Horse Patrol, whom they shall think remiss or negligent in the dis-
charge of his duty, or otherwise unfit for the same, and when any
man shall be so dismissed or cease to belong to the said Horse Patrol,
all powers vested in him as a Constable by virtue of this Act shall 20
immediately cease and determine.

3.
Penalty for
assaulting
Horse Patrol.

And be it Enacted, That if any person shall assault or resist any
person belonging to the said Horse Patrol in the execution of his
duty, or shall aid or incite any person so to assault or resist, every
such offender, being convicted thereof before *Two* Justices of the 25
Peace, shall for every such offence forfeit and pay such sum, not ex-
ceeding *Five* Pounds, as the said Justices shall think meet.

4.
Punishing
Horse Patrol
for disobedi-
ence of Orders.

And be it Enacted, That if any of the said Horse Patrol shall be
guilty of any disobedience of orders, neglect of duty, or of any mis-
conduct as such Constable, and shall be convicted thereof before *Two* 30
Justices of the Peace, he shall forfeit any sum not exceeding *Ten*
Pounds, and in default of immediate payment shall suffer imprison-
ment, with or without hard labour, for any time not exceeding *Three*
Months: Provided always, That nothing herein contained shall prevent
any such person from being proceeded against by way of indictment 35
for any offence committed by him as a Constable, so as that no person
shall be proceeded against both by indictment and also under this
Act for the same offence.

5.
Penalty on
Vicuallers
harbouring
Horse Patrol.

And be it Enacted, That if any victualler, or keeper of any house,
shop, room or other place for the sale of any liquors, whether spirituous 40
or otherwise, shall knowingly harbour or entertain any man belonging
to the said Horse Patrol, or permit such man to abide or remain in his
house,

house, shop, room or other place during any part of the time appointed for his being on duty, every such victualler or keeper as aforesaid, being convicted thereof before any *Two* Justices of the Peace, shall for every such offence forfeit and pay such sum, not exceeding *Five* Pounds, as they shall think meet.

And be it Enacted, That it shall be lawful for one of His Majesty's Principal Secretaries of State to direct that the Receiver for the time being of the Police Offices established in the parishes of Saint Margaret Westminster, Saint James Westminster, Saint Marylebone, Saint Andrew Holborn, Saint Leonard Shoreditch, Saint Mary Whitechapel, and Saint John of Wapping, in the county of Middlesex, and Saint Saviour in the county of Surrey, to pay over, out of the Monies issued to him out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the Receiver of the Metropolitan Police District for the time being, an annual sum, not exceeding *Ten thousand* Pounds, for the support and maintenance of the said Horse Patrol.

6.
Receiver of Police Offices to pay over a certain sum to the Receiver of the Metropolitan Police District for the support of the Horse Patrol.

And be it Enacted, That the said Receiver of the Metropolitan Police District shall pay over all Monies so received by him on account of the said Horse Patrol into the hands of the Governor and Company of the Bank of England, and shall keep a separate and distinct account of such Monies, and of all sums expended by him in respect of the said Horse Patrol.

7.
Receiver of Metropolitan Police District to pay such Monies into the Bank of England.

And be it Enacted, That all the provisions and enactments contained in the aforesaid Act, relative to the drawing and accounting for Monies which may come into the hands of the said Receiver of the Metropolitan Police District for the purposes of that Act, and for the auditing the accounts of the said Receiver, and the powers and liabilities of the said Receiver, shall be deemed and taken to extend to the said Receiver in respect to the said Horse Patrol, so far as the same may be applicable, as fully and entirely as if the same were herein expressed and enacted.

8.
Extending certain powers of Act 10 Geo. 4. to this Act.

And be it Enacted, That the said Receiver of the Metropolitan Police District shall stand possessed of all the Horses, Arms, Accoutrements and other necessities which have been furnished, and are in the use or possession of the said Horse Patrol, and make all such Contracts or Disbursements as shall be necessary for renting any land or buildings, or for erecting, fitting up, furnishing or repairing any buildings for the purposes of this Act, in such manner as one of His Majesty's Principal Secretaries of State shall direct; and of all lands and buildings so to be rented, and of the fixtures and furniture thereof, and of all goods and chattels whatsoever to be from time to time held or purchased

9.
Horses, Arms, &c. of Horse Patrol vested in Receiver of Metropolitan Police.

purchased for the purposes of this Act, the property acquired therein shall be vested in the said Receiver for the time being ; and the said Receiver may, by the directions of such Principal Secretary of State, sell, assign or dispose of the whole or any part of such property as aforesaid, and shall execute all such lawful matters for carrying this Act into execution, as such Principal Secretary of State shall from time to time direct.

5

10.
Receiver to
pay Wages of
Horse Patrol,
and Expenses
connected
therewith.

And be it Enacted, That the said Receiver of the Metropolitan Police District, out of the Monies so received by him on account of the said Horse Patrol, shall from time to time pay to the Horse Patrol such Salaries, Wages and Allowances, and at such periods, as one of His Majesty's Principal Secretaries of State shall direct, and also any extraordinary expenses which they shall appear to have necessarily incurred in apprehending offenders and executing the orders of either of the Justices, such expenses being first examined and approved by one of the said Justices ; and the Receiver shall likewise pay any further sums which such Principal Secretary of State shall direct to be paid to any of the persons belonging to the said Horse Patrol as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service, and he shall also pay all other charges and expenses which such Principal Secretary of State shall direct to be paid for carrying this Act into execution.

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15

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11.
Provisions of
recited Act
relative to
punishment of
offenders
extended to
this Act.

And be it Enacted, That all the provisions contained in the hereinbefore mentioned Act for the punishment of offences and recovery and application of penalties, shall be deemed and taken to extend to any offence committed against this Act, so far as the same may be applicable, as fully and entirely as if the same were herein expressed and enacted.

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12.
Act may be
altered.

And be it Enacted, That this Act may be amended, altered or repealed by any Act to be passed in the present Session of Parliament.

Horse Patrol.

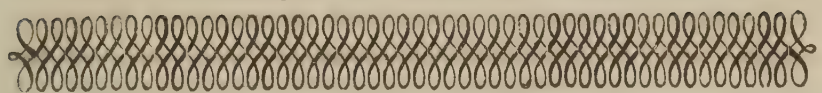
A.

B I L L

To authorize the placing of the Horse Patrol now acting under the authority of the Chief Magistrate of the Public Office in Bow Street, under the authority of the Justices appointed for the Metropolitan Police District.

(Prepared and brought in by
Mr. Fox Maule and Mr. Robert Stewart.)

Ordered, by The House of Commons, to be Printed,
20 June 1836.



A

B I L L

To regulate the Landlord's Right to Hypothec
in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH^{EREAS} it is expedient that, for the protection of the
trade in Corn and other produce of Land, the Landlord's
right of Hypothec in Scotland should be regulated; **BE** it therefore
Enacted, by The KING's most Excellent MAJESTY, by and with
5 the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, THAT from and after the day of
One thousand eight hundred and Thirty- the Landlord's right of
Hypothec in Scotland over grain, hay, green crop, and generally
10 over the whole crops, stocking, farm produce and other goods, gear
and effects upon the farm, shall cease and determine; and that in
place thereof, every Landlord shall, from and after the said day
of have an exclusive and preferable right over the farm
stocking, cattle on the farm, crops in stack-yard and in granary, of
15 whatever year these may be the growth, and over all growing crops
whatsoever, whether of grain or of green crop, and generally over
the whole crops and stocking and other farm produce, situate upon
the farm, and belonging to the Tenant, to the extent and value of *One*
Year's rent of the farm and no more, but preserving to the Landlord
20 the right of recovering, as law directs, all or any of the said grain,
stocking or other farm produce which may have been fraudulently or
otherwise illegally and unwarrantably removed from the farm to the
prejudice of the rights herein enacted.

Preamble.

1.
Landlord's
right of
Hypothec to
cease, and
preferable
right to extent
of One Year's
Rent sub-
stituted.

And be it Enacted, That in every case of a Tenant under a Lease
for a period of not less than the duration of *Seven Years*, the right of
the

2.
Preferable
right extend-
ed to Two
Years' Rent at
end of Lease.

the Landlord as hereinbefore enacted shall be competent, to him at any time during the continuance and currency of such Lease, and that at its termination and during the currency of the last year thereof, the said right shall be extended to the amount and value of *Two Years'* rent of the farm, including the rent of the last or way-going crop. 5

3.
Hypothec
over Grain
sold by sam-
ple in open
Market to
cease on
delivery being
completed.

And be it Enacted, That from and after the day of
the Landlord's right of Hypothec in Scotland over grain sold
by sample in open market, *bonâ fide*, shall cease and determine so
soon as and whenever the delivery of such grain shall have been com-
pleted, and the price thereof shall have been paid : Provided always, 10
That nothing herein contained shall affect the Landlord's rights com-
petent to him under this Act, until the delivery shall have been com-
pleted and the price have been paid.

4.
Legal Process
to be effec-
tual for en-
forcement of
new rights.

And be it Enacted, That all legal process; by sequestration or other-
wise, competent to the Landlord for enforcing, or in relation to, his 15
right of Hypothec before the *passing of this Act*, shall be com-
petent for enforcing the rights given by this Act, without prejudice to
the Landlord's claim as an ordinary Creditor of the Tenant for any
rents which may be due to him beyond, or in addition to, those for
which he has an exclusive and preferable right as hereinbefore enacted. 20

5.
Interpretation
Clause.

And be it Enacted, That under the term "Tenant" shall be held as
included Sub-tenant, Assignee to Lease or Sub-lease, Tenants, Sub-
tenants or Assignees, one or more, joint or otherwise, and every
person whomsoever holding Land of and under another; and that
the rights herein enacted in favour of the Landlord shall be equally 25
competent to every person to whom, by the law of Scotland, the
right of Hypothec was competent before the *passing of this Act*;
and that, except in so far as hereby altered, the rights of Creditors
and others shall remain as entire in every respect as if this Act had
not been passed; and that, wherever the word "Landlord" occurs in 30
this Act, it is to be construed as meaning the Landlord or Owner of
Land, and not the Landlord or Owner of Houses, or any subjects other
than Land; and in describing any person or thing, any word import-
ing the singular number shall be construed to mean also several per-
sons or things respectively, unless there be something in the subject or
context repugnant to such construction.

Hypothec (Scotland.)

A.

B I L L

To regulate the Landlord's Right to Hypothec
in Scotland.

(Prepared and brought in by
Mr. Chalmers and Mr. Fox Maule.)

Ordered, by The House of Commons, to be Printed,
8 August 1836.

18 April 1836.—6 WILL. IV.



A

B I L L

To amend the Act of the Ninth GEORGE the Fourth,
Chapter Sixty-one, and for the better Regulation and
Management of Inns, Alehouses and Victualling-houses
in England.

[*Note.*—The words printed in *Italics* are proposed to be inserted in
the Committee.]

WHEREAS it would tend greatly to the preservation of good Preamble.
order, the encouragement of public morals, and the better
keeping of the Lord's-day, if some further Regulations were made for the
management and conduct of Inns, Alehouses, Victualling-houses and
5 Beer-shops, and for repressing disorderly conduct therein; and it
would also be expedient to give greater facility for the transfer of
Licenses to persons keeping or about to keep Inns, Alehouses and
Victualling-houses, and to regulate the mode of exhibiting and hearing
Informations against Licensed Victuallers and the Keepers of Beer-
10 shops; *Be it therefore Enacted*, by The KING's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, **THAT** in all cases
15 where any disorderly conduct or disturbance shall arise or be reason-
ably apprehended by any person or persons in the house of a
Licensed Victualler or Keeper of a Beer-shop, or in case such
Licensed Victualler or Keeper of a Beer-shop shall be desirous of
clearing his house when required by law, or according to the tenor of
his License so to do, it shall be lawful for such Licensed Victualler or
20 Keeper of a Beer-shop, or any person on their behalf, to require the
aid of one or more Police or other Constables, who are hereby required
to aid and assist such Licensed Victualler and Keeper of a Beer-shop
196. in

A

in preventing any breach of the peace or in clearing his house as aforesaid, and all persons who shall refuse peaceably to depart out of the said house on being required by such Licensed Victualler, Keeper of a Beer-shop, Police or other Constable so to do, shall be deemed to have committed a breach of the peace, and may be taken into custody to be dealt with according to law. 5

2.

And be it further Enacted, That from and after the *passing of this Act*, no Information or Complaint against a Licensed Victualler or Keeper of a Beer-shop respecting any offence to be committed by him or them under this or the Act passed in the ninth year of his late Majesty's reign, intituled, "An Act to regulate the granting of Licenses to Keepers of Inns, Alehouses and Victualling-houses in England," or any other Act of Parliament made and now in force and relating to or in anywise concerning or affecting Licensed Victuallers or Keepers of Beer-shops as laid or preferred before or received by or before any Justice whatever, unless the same shall be on oath and in writing, signed by the party or parties or person preferring the same, and unless such Information be laid or preferred in writing and on oath as aforesaid within *Five Days* next after the day on which the offence complained of shall have been committed, and that in every summons granted by any Justice or Justices whatever upon any such complaint being made, the name and address of the Complainant and the offence or offences wherewith such Licensed Victualler or Keeper of a Beer-shop is or are to be charged with, together with the day and hour of committing the same, shall be fully set forth in such summons, and that in all cases One whole day at least shall intervene between the day of the service of such summons and the day of hearing the same: Provided always, That all proceedings to be had or taken by any Justice or Justices respecting such offence shall be utterly void unless the complaint be made within the time aforesaid, and unless the Information on which such proceedings shall be had as aforesaid shall be on oath and in writing, and so signed as aforesaid, and unless the summons to be served upon the defendant be so signed as aforesaid, and contain all such particulars as aforesaid, any Act or Acts to the contrary thereof notwithstanding. 10 15 20 25 30 35

3.

And be it further Enacted, That from and after the *commencement of this Act*, in all cases where any such information or complaint shall on the hearing thereof be dismissed on the merits, or in case of the hearing of an appeal made to any General or Quarter Sessions against any conviction which may have been made against any Licensed Victualler, or Keeper of a Beer-shop under this Act, or under the said Act of the ninth year of the reign of King GEORGE the Fourth hereinbefore mentioned, or under any other Act affecting Licensed Victuallers or Keepers of Beer-shops, and which conviction the Magistrates 40

trates in Sessions may think fit to quash, it shall be lawful for the Justice or Justices before whom such information or summons shall have been heard, and for the Quarter Sessions before whom such complaint or appeal shall have been made, to order the Complainant
 5 to pay all reasonable costs and expenses which the party complained against shall have sustained, incurred or been put to, in defending himself against such information or summons, or in prosecuting any such appeal as the said Magistrate or Magistrates shall see fit; and in case such party shall refuse or neglect forthwith to pay such
 10 costs and expenses, it shall be lawful for the said Justice or Justices, or the said Court of Sessions, to adjudge and order that the party so refusing or neglecting shall be committed to the common Gaol or House of Correction, there to remain until such costs and expenses be paid.

4.

And be it further Enacted, That the Clerks to any Justice or Justices
 15 of the Peace acting in and for the city, town, county, riding or division in which any Inn, Alehouse or Victualling-house is situate, which house the owner shall desire to sell or transfer to any person or persons not before licensed to keep such house, shall at any time, upon application made to him for that purpose, by note in writing, to be indorsed
 20 on the License already granted for keeping an Inn, Alehouse or Victualling-house, give authority to the person to whom any such License shall be intended to be transferred, to use, exercise and carry on the business of a Licensed Victualler at the house and premises for which such License shall have been granted, until the then next
 25 ensuing Sessions or other meeting of Magistrates appointed for the granting or transferring of Licenses; and that it shall and may be lawful for such Justice or Justice's Clerk, to demand and take from the person requiring [the same, for making every such indorsement as aforesaid, the sum of *Two Shillings and Sixpence*, and no more.

5.

And be it further Enacted, That from and after the *commencement of this Act*, no complaint or information shall be made or laid against, or any penalty be inflicted upon, any person to whom such transfer shall be intended to be made as aforesaid, and who shall have obtained the indorsement of any such Justice's Clerk in the first instance as aforesaid, for selling or having sold without being duly licensed, any Wine,
 35 Beer, or other exciseable liquor by retail, to be drunk or consumed in, or conveyed from or out of such Inn, Alehouse or Victualling-house, although it shall afterwards appear fit to the Licensing Magistrate at such Sessions to refuse to allow and confirm the transfer of such License:
 40 Provided nevertheless, That nothing herein contained shall be construed to exempt any such person to whom a License shall be intended to be transferred from any fines, penalties or forfeitures now in existence for disorderly conduct, or any offence against the tenor of the License granted for such house: Provided always, That it shall not be necessary, unless specially summoned for that purpose, for the party transferring

such License so indorsed to be present at any Sessions when such License is appointed to be transferred.

6.

And be it further Enacted, That from and after the passing of this Act every person duly licensed to keep an Inn, Alehouse or Victualling-house, and every Keeper of a Beer-shop licensed to sell Beer, Ale, Porter, Cider or Perry by retail, to be drunk or consumed on the premises or otherwise, shall shut up and close his house at the hour of *Twelve* of the clock at night of every Saturday, and on the night preceding Good Friday and Christmas-day, or any day appointed for a Public Fast or Thanksgiving in every year, and that every such house shall remain so closed and shut up until the hour of *One* of the clock in the afternoon of every Sunday, Good Friday and Christmas-day, or any day as aforesaid appointed for a Public Fast or Thanksgiving, at the Parish church of the place or parish in which such Inn, Alehouse or Victualling house or Beer-shop is situate; after which last-mentioned hour, every person so licensed as aforesaid shall be at liberty to keep open his house for the remainder of the day, any law to the contrary thereof notwithstanding; and every Licensed Victualler or Keeper of a Beer-shop as aforesaid, who shall between the aforesaid hours on those respective days keep his house open, shall be deemed to have committed an offence against the tenor of his License, and shall be subject to the same penalties and other provisions as are by law provided for offences against the tenor of his License.

7.

AND whereas, by an Act made and passed in the fifth and sixth year of the reign of His present Majesty, intituled, "An Act to exempt certain Retailers of Spirits to a small Amount from the additional Duties on Licenses, and to discontinue the Excise Survey on Wine, and the use of Permits for the removal thereof," it is enacted, that it should be lawful for the Commissioners and Officers of Excise, and they are thereby authorized and empowered to grant retail Licenses to any person to sell Beer, Spirits and Wine in any Theatre established under a Royal Patent, or in any Theatre or other place of public entertainment licensed by the Lord Chamberlain or by Justices of the Peace, without the production by the person applying for such License or Licenses of any certificate or authority for such person to keep a common Inn, Alehouse or Victualling-House, any thing in any Act or Acts to the contrary notwithstanding;" BE it further Enacted, That so much and such part of the said last-mentioned Act as is herein mentioned shall be and the same is hereby Repealed.

8.

AND whereas, by the before-mentioned Act passed in the ninth year of the reign of his late Majesty King GEORGE the Fourth, it is enacted, that

5

1

20

SCHEDULE.

FORM of LICENSE referred to in this ACT.

AT the General Annual Licensing Meeting [or, an adjournment of the General Annual Licensing Meeting, or at a Special Petty Session] of His Majesty's Justices of the Peace acting for the Division [or, liberty, &c. as the case may be] of _____ in the county of _____ holden at _____ on the _____ day of _____ in the year One thousand eight hundred and _____, for the purpose of granting Licenses to persons keeping Inns, Alehouses and Victualling-houses, to sell exciseable liquors by retail, to be drunk or consumed on their premises: We, being _____ of His Majesty's Justices of the Peace acting for the said county [or, liberty, &c. as the case may be] and being the majority of those assembled at the said Session, do hereby authorize and empower A. L. now dwelling at _____ in the parish of _____ and keeping [or, intending to keep] an Inn, Alehouse or Victualling-house at the sign of the _____ in the _____ of _____ in the division and county aforesaid, to sell by retail therein, and in the premises thereunto belonging, all such exciseable liquors as the said A. L. shall be licensed and empowered to sell under the authority and permission of any Excise License, and to permit all such liquors to be drunk or consumed in his said house or in the premises thereunto belonging; provided that he [or, she] do not fraudulently dilute or adulterate the same, or sell the same, knowing them to have been fraudulently diluted or adulterated, and do not use in selling thereof any Weights or Measures that are not of the legal standard, and do not wilfully or knowingly permit drunkenness or other disorderly conduct in his [or, her] house or premises; and do not knowingly suffer any unlawful games or any gaming whatsoever therein, and do not knowingly permit or suffer persons of notoriously bad character to assemble and meet together therein; and do not keep open his [or, her] house except for the reception of travellers, nor permit or suffer any Beer or other exciseable liquor to be conveyed from or out of his or her premises during unlawful hours on Sundays, Christmas-day or Good Friday, or any day appointed for a Public Fast or Thanksgiving, but do maintain good

good order and rule therein ; and this License shall continue in force from the day of next, until the day of then next ensuing and no longer ; provided that the said A. L. shall not in the mean time become a Sheriff's Officer, or Officer executing the process of any Court of Justice, in either of which cases this License shall be void. Given under our hands and seals on the day and at the place first above written.

Inns, Alehouses and Victualling-houses.

A

B I L L

To amend the Act of the Ninth GEORGE the Fourth, Chapter Sixty-one, and for the better Regulation and Management of Inns, Alehouses and Victualling-houses in England.

(*Prepared and brought in by
Mr. Haues and Mr. Henry Lytton Bulwer.*)

*Ordered, by The House of Commons, to be Printed,
18 April 1836.*



A

B I L L

To continue, for a limited Time, the Laws for the Relief of Insolvent Debtors in England.

Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **HEREAS** an Act was passed in the seventh year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend and consolidate the Laws for the Relief of Insolvent Debtors in England : " And whereas a certain other Act was passed in the first year of the reign of His present Majesty, intituled, " An Act to continue and amend the Laws for the Relief of Insolvent Debtors in England," whereby, amongst other things thereby enacted, the said first-mentioned Act was continued for a certain time therein mentioned: And whereas a certain other Act was passed in the second year of the reign of His present Majesty, intituled, " An Act to continue, for Three Years, and to amend the Laws for the Relief of Insolvent Debtors in England : " And whereas it is expedient to continue the said Acts; **BE** it therefore **ENacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, THAT the said Acts shall be and the same are hereby continued.

Preamble
7 Geo. 4. c. 57.

1 Will. 4. c. 33.

2 Will. 4. c. 44.

1.
Recited Acts continued.

And be it further Enacted, That this Act, or any part thereof, may be altered, varied or repealed, by any Act or Acts to be passed in this present Session of Parliament.

2.
Act may be altered this Session.

And be it further Enacted, That the said recited Acts and this Act shall continue in force until the *First* day of *June One thousand eight hundred and Thirty-seven*, and from thence until the *End* of the then next Session of Parliament.

3.
Duration of Act.

Insolvent Debtors.

A

B I L L

To continue, for a limited Time, the Laws
for the Relief of Insolvent Debtors in
England.

(Prepared and brought in by
Mr. Solicitor General and Mr. Attorney General.)

Ordered, by The House of Commons, to be Printed
21 June 1836.



(Ireland.)

A

B I L L

To continue the Acts for the Relief of Insolvent Debtors in *Ireland*.

WHEREAS an Act was passed in the Session of Par-
liament holden in the first and second years of the reign
of his late Majesty King GEORGE the Fourth, intituled, “An Act
for the Relief of Insolvent Debtors in *Ireland*,” to continue in force
5 for a certain time therein limited; and the said Act was amended
by another Act passed in the third year of the same reign, and
both said Acts were continued by another Act made in the seventh
and eighth years of the same reign:

Preamble.

And whereas another Act was made in the tenth year of the same
10 reign, whereby the said recited Acts of the first and second and
third years of the same reign were amended and further continued,
and the same, so amended, were, by an Act made in the first year
of His present Majesty’s reign, further continued, and the same, so
amended, were, by another Act made in the second year of His
15 present Majesty’s reign, further continued:

And whereas by another Act made in the first and second years
of His present Majesty’s reign, intituled, “An Act to improve
the Administration of Justice in *Ireland*,” certain provisions of the
said recited Act of the first and second years of the reign of his late
20 Majesty were repealed, and certain other provisions were made,
and certain persons declared, in certain cases therein specified, to be
entitled to the benefit of the Acts for the Relief of Insolvent Debtors
in *Ireland*:

And whereas by another Act made in the fourth and fifth years
25 of the reign of His present Majesty, the said recited Acts were
continued for one year from the passing of the said last-mentioned
Act of the fourth and fifth years of the reign of His present
Majesty, and until the end of the then next Session of Parliament:

And whereas it is expedient that the said Acts should be further continued ;

The several Acts of the reign of Geo. 4. relating to the Relief of Insolvent Debtors, with certain exceptions, continued.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said recited Act of the first and second years of the reign of his late Majesty, as the same is amended by the said recited Acts of the same reign, and save and except as any provisions thereof may be repealed, or other provisions substituted for the same by the said recited Acts of His present Majesty's reign, shall be continued ; and the said recited Acts of the first and second, third and tenth years of the reign of his late Majesty, and such parts of the said recited Act of the first and second years of the reign of His present Majesty, as relate to the law for the relief of Insolvent Debtors, shall be and the same are hereby continued.

Insolvent Debtors.

(Ireland).

A

B I L L

To continue the Acts for the Relief of Insolvent Debtors in Ireland.

(Prepared and brought in by
Mr. Sergeant O'Loghlen and Lord Viscount Morpeth.)

Ordered by The House of Commons, to be Printed,
25 April 1836.

7 July 1836.—7 WILL. IV.



A

B I L L

To continue the Provisions of the Law relating
to Insolvent Debtors in India.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **H**EREBY an Act was passed in the ninth year of the reign of his late Majesty King GEORGE the Fourth, intituled, “An Act to provide for the Relief of Insolvent Debtors in the East Indies, until the first day of March One thousand eight hundred and
5 Thirty-three:” And whereas a certain other Act was passed in the second year of the reign of His present Majesty, intituled, “An Act to continue until the first day of March One thousand eight hundred and
10 Thirty-six an Act of the ninth year of his late Majesty for the Relief of Insolvent Debtors in India,” whereby the said first-mentioned Act was continued in force until the first day of March One thousand eight hundred and Thirty-six: And whereas a certain other Act was passed
15 in the fifth year of the reign of His present Majesty, intituled, “An Act to amend the Law relating to Insolvent Debtors in India:” And whereas it is expedient that the said first-mentioned Act, as amended by the said last-mentioned Act, should be continued; **B**E it therefore **E**nacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT the said Acts shall be and the same are hereby continued until the
day of and from thence
until the *End of the then next Session of Parliament.*

Preamble:

9 Geo. 4. c. 73.

2 Will. 4. c. 43.

5 Will. 4. c. 79.

1.
Recited Acts
to be con-
tinued.

2.
Acts and
deeds done
subsequent to
the expiration
of recited
Acts to be
deemed valid.

AND whereas it may have happened that divers acts have been done since the first day of March last, pursuant to the provisions in the said recited Acts contained, and doubts may be entertained of the validity or efficacy of such acts, or of some of them, and it is expedient that such doubts should be removed; BE it therefore Enacted and Declared, That all acts, deeds, matters and things whatsoever which shall have been made or done on or subsequent to the said first day of March last, and which would have been valid and effectual if the said several Acts had been then in force, are and shall be, and shall be held, adjudged, deemed and taken to be as valid and effectual, to all intents and purposes, as if the said recited Acts had not expired, and this Act had passed on the twenty-ninth day of February last.

3.
Act may be
varied or
repealed.

And be it Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in the present Session of Parliament.

Insolvent Debtors (India).

A

B I L L

To continue the Provisions of the Law relating
to Insolvent Debtors in India.

(Prepared and brought in by
Sir John Hobhouse and Mr. Vernon Smith.)

Ordered, by The House of Commons, to be Printed,
7 July 1836.

267

13 June 1836.—6 WILL. IV.



A

B I L L

For the Relief of His Majesty's Subjects professing the Jewish Religion.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **E**R **E**A **S** by the operation of various Laws His Majesty's Preamble.
Subjects professing the Jewish Religion are subject to certain
Restraints and Disabilities :

5 And whereas it is expedient that the same should be removed, and
the Subjects of His Majesty professing the Jewish Religion be placed
in the same state and condition as to all Civil Rights and Privileges as
His Majesty's Subjects professing the Roman Catholic Religion ;

BE **i**t **t**h**e**r**e**f**o**r**e** **E**n**a**ct**e**d, by The KING's most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, THAT from and after the *passing of*
this Act, it shall be lawful for any of His Majesty's Subjects professing
the Jewish Religion to have and enjoy all such and the same 'civil
rights, franchises and privileges, and to hold, exercise and possess such
15 and the same offices, places, employments, trusts and confidences as
the Subjects of His Majesty professing the Roman Catholic Religion
are now by law able and competent to have, enjoy, hold, exercise and
possess, and under the same restrictions : Provided always, That His
Majesty's Subjects professing the Jewish Religion shall, in all cases in
20 which His Majesty's Subjects professing the Roman Catholic Religion
are by law required so to do, take, in the form and manner hereinafter
mentioned, and subscribe the Oath set forth and appointed in and by
an Act passed in the tenth year of the reign of his late Majesty King

1.
People pro-
fessing the
Jewish Reli-
gion to have
the same
Privileges
as Roman
Catholics ;

to take the
Oath pre-
scribed by
10 G. 4. c. 7.

and the
Declaration
prescribed by
9 G. 4. c. 17.

GEORGE the Fourth, intituled, " An Act for the Relief of His Majesty's Roman Catholic Subjects," and make and subscribe, under the modifications hereinafter mentioned, the Declaration prescribed by an Act passed in the ninth year of his said late Majesty's reign, intituled, " An Act for repealing so much of several Acts as imposes the necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments." 5

2.
Certain
Words to be
omitted in the
Declaration.

Provided always, and be it further Enacted, That when any of His Majesty's Subjects professing the Jewish Religion shall make or subscribe the said Declaration, the words " upon the true faith of a Christian " shall be omitted. 10

3.
Oath to be
taken in the
same manner
as at present
administered
in Courts of
Justice.

And be it Enacted, That whenever any of His Majesty's Subjects professing the Jewish Religion shall at any time or times hereafter present himself, or be required to take the said Oath appointed and set forth in and by the said Act passed in the tenth year of the reign of his said late Majesty, or any other Oath or Oaths, the said Oath or Oaths shall be administered to and taken by such Person professing the Jewish Religion, in like manner as Jews are admitted to be sworn to give evidence in Courts of Justice, and the same shall be deemed a sufficient and lawful taking of such Oath or Oaths on all occasions whatsoever. 15 20

4.
Jews to be
subject to
the same
Disabilities
as Roman
Catholics ;

and to have
the same
Exemptions.

And be it further Enacted, That from and after the *passing of this Act* His Majesty's Subjects professing the Jewish Religion shall be and become subject and liable to such and the same incapacities, disabilities and penalties as His Majesty's Subjects professing the Roman Catholic Religion now are subject and liable to by law, and to none other incapacities, disabilities or penalties whatsoever ; and that the Oath hereinbefore referred to, being taken in manner aforesaid, and subscribed by any person professing the Jewish Religion, shall be of the same force and effect for the relief and exemption of the person taking and subscribing the same from any disabilities, incapacities or penalties whatsoever, as the same Oath would be for the relief and exemption of a person professing the Roman Catholic Religion, if taken and subscribed by such person in the manner directed by the said Act of the tenth year of the reign of his said late Majesty ; and that the Oath hereby authorized to be taken by persons professing the Jewish Religion shall be administered, recorded and certified by the same persons and (save as to the mode in which the same Oath is to be administered as aforesaid) in the same manner respectively as by the last-mentioned Act the Oath thereby authorized to be taken by persons professing the Roman Catholic Religion is directed to be administered, recorded and certified. 25 30 35

Jewish Civil Disabilities.

A

B I L L

For the Relief of His Majesty's Subjects
professing the Jewish Religion.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer and
Mr. Baring.)

Ordered, by The House of Commons, to be Printed,
13 June 1836.



A

B I L L

To enable the Master of the Rolls to demise Part of the
Rolls Estate to the Society of Judges and Serjeants.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS the present Chambers of the Judges are insufficient for the accommodation of the Public and for the necessary transaction of the business therein, and it is expedient that new Chambers should be erected for the use of the Judges on the Rolls Estate : BUT the same cannot be done without the Aid of Parliament ;
5 **B**E it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful for the
10 Master of the Rolls, by and with the consent and approbation of any *Three* of the Lords Commissioners of His Majesty's Treasury for the time being, testified by their being parties to such Lease, to grant to the Society of Judges and Serjeants at Law at a peppercorn rent, a Lease, for a term not exceeding *Ninety-nine* Years, of such part of the said Rolls Estate
15 as may be necessary for the erection of commodious Chambers for the use of the Judges for judicial purposes, together with convenient avenues and approaches to the same from Serjeants' Inn ; such Lease nevertheless to contain such covenants, provisoes and restrictions as *Three* of the said Lords Commissioners of His Majesty's Treasury for the time being shall order and direct.

Judges' Lodgings.

A

B I L L

To enable the Master of the Rolls to demise
Part of the Rolls Estate to the Society of
Judges and Serjeants.

(Prepared and brought in by
Mr. Chancellor of the Exchequer, Mr. Baring
and Mr. Tooke.)

Ordered, by The House of Commons, to be Printed,
22 June 1836.

28 July 1836.—7 WILL. IV.



(Ireland.)

A

B I L L

To amend several Acts relating to the Harbour of Kingstown.

[Note.—The words and figures printed in *Italics* are proposed to
be inserted in the Committee.]

- W**HEREAS by an Act passed in the fifty-fifth year of the reign of King GEORGE the Third, intituled, “An Act to authorize the appointment of Commissioners for erecting an Harbour for Ships to the eastward of Dunleary, within the Port and Harbour of Dublin,” the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being are authorized from time to time to appoint fit persons, as therein mentioned, to be Commissioners for the purposes of the said Act: AND whereas by an Act passed in the fifty-sixth year of the reign of the said King, intituled, “An Act for erecting an Harbour for Ships to the eastward of Dunleary, within the Port of Dublin,” and also by another Act passed in the first year of the reign of King GEORGE the Fourth, intituled, “An Act to alter and amend an Act passed in the fifty-sixth year of his late Majesty for erecting an Harbour for Ships to the eastward of Dunleary, within the Port of Dublin, and to provide for the erection of a western Pier to the said Harbour of Dunleary,” certain powers and authorities were and are vested in the said Commissioners appointed or to be from time to time appointed under the said first-mentioned Act, in respect to the erection of the said Harbour and the execution of other works connected therewith, which said Harbour is now in course of erection, but is still unfinished: AND whereas by an Act passed in the twenty-sixth year of the reign of King GEORGE the Third, intituled, “An Act for promoting the Trade of Dublin, by rendering
- Preamble:
55 Geo. 3.
c. 191.
- 56 Geo. 3.
c. 62.
- 1 Geo. 4.
c. 69.
- 26 Geo. 3.
501. A its

32 Geo. 3.

its Port and Harbour more commodious," and by a certain other Act passed in the thirty-second year of the reign of the same King, intituled, "An Act for repairing and preserving the Walls of the River Anna Liffey, in the City of Dublin, and for amending an Act passed in the twenty-sixth year of his Majesty's reign, intituled, 'An Act for promoting the Trade of Dublin by rendering the Port and Harbour more commodious,'" certain powers and authorities are given to the Corporation for preserving and improving the Port of Dublin relative to the supplying of ships and other vessels, in the Port and Harbour of Dublin with ballast, and the collection of certain rates and dues for the same, and also relative to the improvements of the old Harbour of Dunleary and other purposes connected with the proper superintendence and management of the same: AND whereas it is expedient that the several rights, powers and authorities so vested in the said Corporation in and over that part of the Port of Dublin which is now or shall hereafter be comprised in and occupied by the said new Harbour now in course of erection, and also in and over the further space of five hundred yards beyond the entrance thereof, and also in and over the said old Harbour of Dunleary, should cease and determine, and that the said two Harbours should be for ever hereafter to all intents and purposes one Harbour, under the name and style of "Kingstown Harbour," and that the exclusive superintendence, control and management of the same, together with similar and more extensive powers, should be permanently vested in the Commissioners now or from time to time hereafter to be appointed under the said Act of the fifty-fifth year of the reign of King GEORGE the Third;

1 Geo. 4. c. 69.
s. 14. repealed.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much and such part of the said Act of the first year of the reign of King GEORGE the Fourth as enacts that when the said new Harbour now in course of erection should be completed, it should from thenceforth be vested in the said Corporation for preserving and improving the Port of Dublin, and supported in the manner therein provided, shall be and the same is hereby Repealed.

1.
Ground about Old Dunleary Harbour belonging to Corporation for preserving and improving the Port of Dublin, transferred to Commissioners of Kingstown Harbour.

And be it further Enacted, That from and after the *passing of this Act* all the ground or other property which is now vested in or belongs to the said Corporation for preserving and improving the Port of Dublin, in or about the said old Harbour of Dunleary, and the piers, wharfs and quays thereof or in any manner connected therewith, shall be and the same are hereby transferred to and vested in the Commissioners now or hereafter to be appointed under the said Act of the fifty-fifth year of the reign of King GEORGE the

the Third, subject nevertheless in the case of any such lands as may be held by the said Corporation to any rent or covenant to the payment or performance of which the said Corporation may be liable in respect of such lands, in like manner to all intents and purposes as if the said Commissioners had been originally liable to the same, instead of the said Corporation; and the said Commissioners shall, from and after the *passing of this Act*, be and become liable to all such rents and covenants, and the said Corporation shall be and are hereby exonerated and discharged therefrom.

10 And be it Enacted, that from and after the *passing of this Act* all the powers and authorities, rights and privileges given to the said Corporation in and by the said recited Acts of the twenty-sixth and thirty-second years of the reign of King GEORGE the Third or
15 relative to the supply or discharge of ballast to or from ships or other vessels within said old Harbour of Dunleary, or within the said new Harbour now in course of erection or within the space of *Five hundred Yards* beyond the entrance thereof, and the charge of rates and dues for the same, and also relative to the collecting and levy-
20 ing of any rates or entries on ships or other vessels resorting to or in boats, wherries or other bottoms frequenting the said Harbours or either of them, or relative to any other matter, thing or purpose connected with the said Harbours or either of them, or the said space of *Five hundred Yards*, except as hereinafter provided,
25 shall from and after the *passing of this Act* absolutely cease and determine, and that like powers and authorities so far as the same are consistent with the provisions of this Act shall become vested in and lawfully exercised by the said Commissioners now or from time to time hereafter to be appointed under the said Act of the
30 fifty-fifth year of the reign of King GEORGE the Third.

2.
All Rights, Powers and Privileges of the Corporation for preserving and improving the Port of Dublin in respect to Old Dunleary Harbour, or Kingstown Harbour, to cease;

and the like to become vested in the Commissioners of Kingstown Harbour:

Provided always, and it is hereby Enacted, That nothing in this Act contained shall extend or shall be construed to extend to take away, abridge or in any manner interfere with the powers and authorities now vested in the said Corporation for preserving and
35 improving the Port of Dublin with respect to Lighthouses and Pilots within the said two several Harbours and the space of *Five hundred Yards*, but that all such powers and authorities shall remain and continue to be vested in the said Corporation in as full force and effect to all intents and purposes as if this Act had not
40 been made.

3.
Except those relative to Light-houses and Pilots.

And be it further Enacted, That the said recited Acts of the fifty-sixth year of the reign of King GEORGE the Third, and of the first year of the reign of King GEORGE the Fourth, and all the

4.
Recited Acts to remain in force, unless where expressly repealed, and to

apply to Old
Dunleary
Harbour.

provisions and clauses therein contained shall be and continue in full force and effect, except so far as the same are altered, amended or repealed by this Act, and shall also apply so far as the same are applicable to the said old Harbour of Dunleary.

5.
The Old Har-
bour of Dun-
leary and the
New Harbour
to constitute
but one Har-
bour, under
the title of
"Kingstown
Harbour."

And be it further Enacted, That from and after the *passing of* 5
this Act the said old Harbour of Dunleary and the said new Har-
bour, now in course of erection, shall constitute and be to all
intents and purposes but one Harbour, under the name and title of
"Kingstown Harbour," and that all the provisions hereinafter con- 10
tained in this Act shall be deemed or taken, so far as the same are
applicable to, extend and apply equally to the said two Harbours so
included under the said name and title of "Kingstown Harbour;"
and the term "Commissioners of Kingstown Harbour," in the
subsequent provisions of this Act, shall be understood to mean the 15
Commissioners now or from time to time hereafter to be appointed
under the said Act of the fifty-fifth year of the reign of King
GEORGE the Third.

6.
Commission-
ers may sup-
ply all Ships
in Kingstown
Harbour with
Ballast,

AND whereas it is expedient that the powers and authorities
hitherto possessed by the said Corporation for preserving and im- 20
proving of the Port of Dublin in respect to supplying ballast to
ships and other vessels in said Kingstown Harbour, and dis-
charging ballast from the same at certain rates and charges, and
by this Act transferred to and vested in the said Commissioners of
Kingstown Harbour, should be more explicitly defined, and that 25
the said Commissioners should have power to levy and collect
certain rates by way of quayage upon all ships and other vessels
resorting to or frequenting the said Harbour; BE it therefore
Enacted, That it shall be lawful for the said Commissioners of
Kingstown Harbour, and they are hereby authorized and empow- 30
ered to furnish ballast to and also to take ballast from or assist in
the discharge of ballast from all ships and other vessels requiring
the same in said Kingstown Harbour, or within *Five hundred* Yards
of the entrance thereof, at the rates hereinafter mentioned: Pro-
vided that nothing herein contained shall extend to abridge or 35
affect any exclusive right or privilege now vested in or belonging
to the said Corporation for preserving and improving the Port of
Dublin, to supply with ballast ships or vessels discharging their
cargoes within any part of the said Port of Dublin, except the said
Harbours of Kingstown and Old Dunleary, as united under this
Act, nor to repeal or remit any penalty to which the Master or 40
Commander, or other person in charge of any ship or vessel, may
now be by law liable for buying or causing to be bought from any
person other than the said Corporation or their Officers any ballast
for the use of such ship or vessel within any part of the said Port
of Dublin, except only the said Harbours so united.

or assist in the
discharge of
Ballast from
all Ships.

Not to affect
right of Cor-
poration to
supply with
Ballast Vessels
discharging
their Cargoes
at Dublin.

And

And be it Enacted, That the master or commander of every ship or vessel belonging to Great Britain or Ireland, or the British Plantations, that shall take in or put out any ballast within the said Harbour, shall pay to the Officer who shall be lawfully authorized by the said Commissioners to receive the same, such sum as the said Commissioners shall appoint, not exceeding the sum of *Two* Shillings for every Ton of such ballast which shall be taken in or put out, and that the Master or Commander of every foreign ship, or of a ship or vessel trading to or from a Foreign Port, that shall take in or put out ballast as aforesaid, shall pay *one-third* part more than the sum hereinbefore directed, to be paid by ships belonging to Great Britain or Ireland, or the British Plantations, unless the Commissioners of said Harbour for the time being shall otherwise direct.

7.
Tonnage to be charged for taking in or putting out Ballast.

And be it further Enacted, That no ballast shall be taken in discharge from any ship or other vessel lying or being in the said Harbour, except at such place by such means and in such manner as shall be from time to time appointed and directed for that purpose by the said Commissioners, or by the Ballast Master of the said Harbour acting under their instructions; and that every person who shall act contrarily to the then existing regulations as fixed by the said Commissioners under the authority of this Act for taking ballast from ships or vessels in the said Harbour, shall for every such offence forfeit and pay a sum not exceeding the sum of *Ten* Pounds over and above all expenses which may be incurred in removing to a proper place such ballast or other matters as may have been deposited contrary to the said regulations, such expenses to be recoverable in such manner and with such powers of commitment on non-payment thereof as in cases of penalties or forfeitures under this Act.

8.
Penalty on Persons taking in or putting out Ballast, except in manner directed by the Commissioners.

And be it Enacted, That if the Master or Commander, or other person in charge of any ship or vessel which shall be in the said Harbour shall buy or purchase, or cause or procure to be bought or purchased from any person or persons other than the said Commissioners or other Officer appointed in that behalf, any ballast whatsoever for the use of such ship or vessel, or shall permit or suffer any ballast whatever to be put on board or taken from such ship or other vessel, other than what shall be duly accounted for to the said Commissioners or their said Officer, or be received or delivered by such person or persons as the said Commissioners shall appoint for that purpose, then not only the said Master or Commander, but also such person or persons as shall so sell or provide such ballast, or as shall deliver to or take from such ship or vessel any ballast not accounted for to the said Commissioners or other Officer

9.
Penalty on obtaining Ballast, except from Commissioners.

as aforesaid, shall forfeit and pay to the said Commissioners any sum not exceeding the sum of *Ten Pounds* each, the same to be recovered in like manner as other penalties under this Act are directed to be recovered.

10.

If Ballast Officer neglect to supply Ballast, Master of Ship may employ Carts for that purpose, and obtain Ballast elsewhere.

And be it Enacted, That in case the Ballast Master for the time being of the said Harbour shall neglect or refuse to take off from or deliver ballast to any ship or vessel within the said Harbour, within *Twenty-four* Hours after notice in writing so to do shall have been given to him, or left at his office by the Commander or Master of any such ship or vessel, then and in any such case it shall and may be lawful to and for the Commander or Master of such ship or vessel, at any time after notice in writing of such neglect shall have been given or left by him at the office of the said Ballast Master, to obtain from any person whatsoever as much Ballast as he may require, and to employ any cart, dray, waggon or other vehicle for the carriage thereof; and that in every such case, upon proof thereof being made to the satisfaction of the said Commissioners or their Officer in this respect authorized, every such Master of any ship or vessel shall have his discharge and clearings out of the said Harbour, provided he shall have paid the other Duties imposed by this Act, or by any other Act or Acts of Parliament then in force in Ireland relative to the said Harbour.

11.

Commissioners may quarry for Ballast.

And be it Enacted, That it shall and may be lawful to and for the said Commissioners of Kingstown Harbour, their agents, servants and workmen, to quarry, dig, take, remove and carry away stone, gravel, sand or any other materials, out of and from all or any of such quarries, land or ground, as now are or hereafter at any time shall be in the tenure, possession or occupation of the said Commissioners, under and by virtue of the said Act of the fifty-sixth year of the reign of His Majesty King GEORGE the Third, or otherwise howsoever, without making further compensation for the same to the owners of said quarries in the same manner as they are now authorized to quarry and carry away the same for the purposes of said Act, and to use, apply and dispose of the same for the purpose of ballast for any ship or vessel lying and being in or frequenting the said Harbour.

12.

Rates and Duties as and for Quayage to be levied on all Ships in the Harbour.

And be it further Enacted, That from and after the *passing of this Act*, there shall be raised, levied, collected and paid to the Officer appointed by the said Commissioners to receive the same as and for quayage for every ton of the cargo which shall be landed or discharged from each and every ship, vessel or other bottom in said Kingstown Harbour, or within *Five hundred* Yards, of the entrance thereof, the several Duties and sums of money specified in the Schedule

dule to this Act annexed, in addition to such sums as by the said Act of the fifty-sixth year of the reign of King GEORGE the Third, are imposed upon like ships or vessels coming into that and other parts of the port of Dublin, and specified in the Schedule to the said Act annexed.

Provided always, and be it Enacted, That nothing in this Act contained relative to the levying of such rates and duties as last aforesaid, shall extend or be construed to extend to any ships or vessels belonging to His Majesty, His heirs or successors, or that shall or may be employed in His Majesty's service, or in the service of the Post-office, Excise or Customs.

13.
Except those belonging to or in the service of His Majesty, or in the service of the Post-Office, Excise or Customs.

And be it further Enacted, That if any master or commander or other person having charge of any ship or other vessel, or any owner or consignee, or any other person owning or having charge of any goods, wares or merchandizes imported into or exported or intended to be exported from said Kingstown Harbour shall, by short entries, or by any other means whatsoever, at any time or times evade or attempt to evade the payment; either in the whole or in part, of any of the rates or duties made payable by this or by any former Act now in force, having relation to the said Harbour, each and every person so evading or attempting to evade payment thereof as aforesaid, shall stand charged with and forfeit and pay a sum equal to *Treble* the amount of the rates or duties so evaded, or attempted to be so evaded; and such sum shall be recovered from such master, owner, consignee or other person or persons respectively in such manner as hereinafter directed for levying and recovering penalties and forfeitures.

14.
Penalty on Masters or Commanders of Ships evading, or attempting to evade payment of Rates and Duties.

And be it further Enacted, That from and after the *passing of this Act* no ship or other vessel which shall arrive in the said Harbour, shall sail therefrom without paying to the said Commissioners of the said Harbour, or to the officers who shall be appointed by the said Commissioners to receive the same, the full amount of all such tonnage rates, ballast rates, quayage rates, and all such other rates, duties, penalties and sums of money as shall be payable in respect to such ship or vessel, or the owner, master or commander thereof, and without having obtained a discharge or clearance from the said Commissioners, or from the person having authority under this Act to give the same; and that if any ship or other vessel shall sail without having paid such rates, duties, penalties and sums of money as aforesaid, the master or commander thereof shall forfeit to the said Commissioners the sum of *Twenty* Pounds, and shall be also personally subject and liable to the payment of the full amount of all such rates and duties as shall be then so due and payable; and that it shall and may be lawful to and for the said

1.
Penalty on Master on leaving Harbour without paying Rates and Penalties, and obtaining a Clearance.

Commissioners, at any time after such ship or other vessel shall have so sailed, to recover the amount of the said rates, duties, penalties and sums of money by an action at law against such master or commander in any of His Majesty's Courts of Record in this Kingdom, or by civil bill, at the option of the said Commissioners, and to arrest and implead such master or commander, and to hold him to special bail in such action, the chief collector of the said Harbour or the secretary of the said Commissioners first ascertaining the amount of such rates, duties, penalties and sums of money as shall be so due and payable, by affidavit before a judge of or any officer or person authorized to take affidavits in the court in which such action shall be intended to be brought, or before a Magistrate or person authorized to take affidavits in such behalf; and further, that such ship or other vessel so sailing shall be liable to, and charged and chargeable as well with the said forfeiture of *Twenty* Pounds as with all such rates, duties, penalties and sums of money as shall be so due and payable as aforesaid, and such reasonable expenses as shall be necessarily incurred by the said Commissioners or their officers, in consequence of such ship so sailing; and that it shall and may be lawful for the said Commissioners, by warrant under their hands, or of any *Two* of them, to be directed to such person or persons as they shall think fit for that purpose any time after the said ship or other vessel shall have so sailed, to seize and distrain such ship or other vessel if found within any port, harbour or creek within the United Kingdom, and all her sails, mast, rigging, tackle, and furniture, for the payment of the said forfeiture, and of all such arrears of the said rates, duties penalties and sums of money as shall be then payable upon or in respect of such ship or other vessel, by such master or commander, of such expenses as aforesaid, whether such ship or other vessel shall at the time of such seizure be commanded by or be in charge of the same master or commander who commanded or had the charge of the same at the time the said ship or vessel so sailed or not; and that in case the said penalty, and all such arrears as aforesaid of the said rates, and duties, and also said expenses, shall not be paid to the said Commissioners or their proper officer within *Seven Days* next after such seizure, it shall and may be lawful to and for the said Commissioners, or the person or persons to whom such warrant shall have been directed as aforesaid, to sell and dispose of the said ship or other vessel, and all her sails, masts, rigging, tackle and furniture, or so much thereof as shall be sufficient for payment of the said penalty of *Twenty* Pounds, and of all such arrears of the said rates, duties, penalties and sums of money as shall be so due and payable as aforesaid, and said expenses, and that it shall be at the discretion of the said Commissioners either to enforce payment of the said penalty of *Twenty* Pounds, rates, duties, penalties and sums of money from the said master or commander aforesaid, or by

by seizing and distraining such ship or other vessel, and the sails, masts, rigging, tackle and furniture thereof as aforesaid.

And be it Enacted, That all and every the ballast dues and all and every other dues and duties, payments and sums of money whatsoever, by this Act, or by the said Act of the fifty-sixth year of the reign of King GEORGE the Third, or by any other Act or Acts in force in Ireland, imposed upon or made payable for or in respect to ships or other vessels entering into, lying or being in the said Harbour, or making use of the piers, quays, wharfs or moorings of the said Harbour, and likewise all penalties, forfeitures and other sums of money whatsoever, made payable under this Act and the said other Acts, and which shall from time to time be recovered and received, shall from time to time (except as to one moiety of the said penalties, which it is hereby declared shall be paid to the informer) be applied by the said Commissioners to and for paying the expenses of maintaining and regulating said Kingstown Harbour in manner herein provided, and to and for the other purposes of this Act, in the next place to and for the purposes of the said Acts of the fifty-sixth year of the reign of King GEORGE the Third, and the first of King GEORGE the Fourth; and that in case there shall be any overplus in the hands of the said Commissioners of the money arising from such duties and payments as aforesaid, beyond what shall be requisite and necessary for the purposes of this Act, or of the said two last-mentioned Acts, then such overplus shall from time to time be paid into the receipt of His Majesty's Exchequer in Dublin, to the credit of the Consolidated Fund in Ireland, towards making good such sum or sums as have been or shall be advanced thereout, under the authority of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, for the purposes last aforesaid.

16.
Application of
Monies re-
ceived by the
Commission-
ers under this
Act.

AND whereas by the said Act of the fifty-sixth year of the reign of King GEORGE the Third, power is given to the said Commissioners of Kingstown Harbour to enter upon certain lands and premises within the limits therein mentioned, and to dig for and take materials for the purposes of said Act, upon the terms and in the manner therein mentioned: AND whereas by virtue of certain agreements heretofore made and entered into by the said Commissioners with certain persons who severally claimed to have an ownership in the Commons of Dalkey, in the county of Dublin, certain quarries in the neighbourhood of Dalkey aforesaid, have been opened and worked by the said Commissioners for the purpose of the said Act, and vast quantities of materials, rubble and stuff not required for the said purposes, have accumulated, and from time to time will necessarily accumulate in and about the said quarries

17.
56 Geo. 3,
c. 62.

Commissioner may sell surplus materials out of the Quarries.

quarries which the said Commissioners are, by the terms of the said agreements, prohibited from applying to any other purposes than those of the said Act; and it is considered advisable, for the better working of the said quarries, and for the benefit of the said Harbour, to give the said Commissioners power to dispose of such materials, rubble and stuff; BE it therefore Enacted, That it shall and may be lawful for the said Commissioners of Kingstown Harbour from time to time to dispose of all the surplus stone, gravel, sand and other materials which heretofore had been, or which hereafter shall be raised from the said quarries by the said Commissioners or their agents or servants, and also all other surplus materials of what nature or kind soever which heretofore have accumulated, or which shall from time to time and at all times hereafter accumulate in or about the said quarries, or about or near the said Harbour or other works connected therewith, and which shall not be required for the purposes of the said last-mentioned Act; and for that purpose the said Commissioners are hereby authorized to enter into and execute contracts, bills of sale and assignments of such quantity of such surplus materials as they shall desire or think proper to dispose of, and the consideration or purchase-money on such sale or sales shall and may be paid and applied by the said Commissioners for the time being in such manner and for such purposes connected with the said Kingstown Harbour as they the said Commissioners shall think proper.

18.
Commissioners may permit their Tram-roads to be used by Persons paying for same.

AND whereas it would much encourage the quarrying or working of the beds or fields of granite in the vicinity of Kingstown and Dalky if the carriage therefrom of materials quarried or raised thereout were facilitated by permitting the tram-roads or railways belonging to the said Commissioners to be used for that purpose; BE it therefore Enacted, That it shall and may be lawful to and for the Commissioners of Kingstown Harbour at any time hereafter to permit any person or persons whomsoever, or any body corporate or sole, to make use of the said tram-roads or railways for the purpose of the carriage or conveyance of stone materials and stuff from time to time dug, quarried or raised from or out of the beds or fields of granite aforesaid, subject to such rates or charges for the use of the same, not exceeding the sum of *Four-pence* sterling per ton per mile of statute measure, as the said Commissioners shall from time to time appoint, and subject also to all such rules and regulations for the safe and proper using of the said tram-roads or railways as the said Commissioners shall from time to time think proper to appoint; and also that it shall and may be lawful to and for the said Commissioners, if the same shall appear to them advisable, to grant a lease or leases of the said tram-roads or railways, and of all or any of the branches thereof or any part of the same respectively

Commissioners may grant Leases of the Tram-roads.

respectively for any term not exceeding *Seven Years*, to any person or persons whomsoever, or to any body corporate or sole, who may be willing to farm or rent the same; provided that no such lessees shall during his or their occupancy of the said tram-road or railway charge for the carriage of such stone, materials or stuff aforesaid any greater sum than the sum of *Four-pence* sterling per ton per mile of statute measure; and provided also, that the said Commissioners, their servants and workmen shall at all times have the free use and enjoyment of the said tram-roads or railways and of the branches thereof for the purposes of the said Harbour; notwithstanding the same shall then be rented by or be in the occupation or possession of any such lessee as aforesaid.

The Commissioners to have at all times free use of the Tram Roads.

AND whereas it is expedient that a new provision should be made for payment of the salary of the Harbour-master of said Kingstown Harbour, and that the powers now vested in the said Harbour-master under the said Act of the first year of the reign of King GEORGE the Fourth should be enlarged and more explicitly defined, and that proper powers should be given to the said Commissioners for the appointment of Collectors and other officers, and the due regulation of the same; BE it therefore Enacted, That so much and such part of the said Act of the first year of the reign of King GEORGE the Fourth as respects the salary of the Harbour-master shall be and the same is hereby repealed; and that from and after the *passing of this Act* it shall and may be lawful for the said Commissioners of Kingstown Harbour, by and wit the consent of the Lord Lieutenant or other Chief Governor or Governors of Ireland, from time to time to give and appoint such reasonable salary or allowance to the Harbour-master of said Harbour as to the said Commissioners shall seem fit, such salary or allowance to be paid out of the monies which shall be from time to time in the hands of the said Commissioners by virtue of this or any other Act or Acts in force in Ireland relative to said Harbour; and that in case such monies shall be insufficient for the payment of the same, then such salary or allowance shall be paid on the requisition of the said Commissioners for the time being out of the Consolidated Fund in Ireland by order of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, which order the Lord Lieutenant or other Chief Governor or Governors of Ireland is and are hereby empowered and required to make.

19.
So much of 1 Geo. 4, c. 69, as relates to the Salary of the Harbour-Master Repealed.

Commissioners, with consent of the Lord Lieutenant, to give a reasonable Salary.

In case Commissioners have not sufficient funds, the Salary to be paid out of the Consolidated Fund.

And be it Enacted, That every such Harbour-master shall have full power and authority, by himself or his assistants, subject always to the rules, orders, regulations and directions of the said Commissioners, to direct the mooring, unmooring, moving and removing of all ships or other vessels coming into or lying or being in

20.
Harbour Master to have power to direct the mooring, unmooring, &c. of all Ships, &c.

the said Harbour, or in any place being within the said distance of *Five hundred* Yards from the entrance or mouth of the said Harbour, and to regulate the time or times and the manner of their entrance into or going out of the said Harbours, and also to regulate the position of such ships or other vessels in the said Harbour, and for that purpose to order or direct them or any of them to be placed in or removed to the position most convenient for the same. 5

21.

Penalty in Master or Commander of a Ship refusing to follow the directions of the Harbour Master.

And be it further Enacted, That in case any owner, master or other person having the charge or command of any such ship or other vessel shall refuse or neglect to moor, unmoor, place, move or remove such ship or other vessel according to such direction forthwith and immediately after order or notice from the said Harbour-master or his assistants, given or left with any person or persons on board of such ship or other vessel for that purpose, every such owner, master or other person shall for every such offence forfeit and pay any sum not exceeding the sum of *Ten* Pounds sterling, and that in case of any such refusal or neglect, it shall and may be lawful to and for the said Harbour-master and his assistants, and he or his assistants are hereby authorized to moor, unmoor, place, move or remove such ship and vessel accordingly; and the said Harbour-master is also hereby authorized and empowered in such case to hire and employ a sufficient number of proper persons to remove such ship or other vessel to such place or position within the said Harbour as the said Harbour-master shall appoint. 10 15 20

Harbour Master may, in case of refusal, moor or unmoor vessels;

and may employ assistants for that purpose.

22.

The Expenses of same to be borne by Master or Commander.

And be it further Enacted, That the reasonable expenses incurred by such mooring, unmooring, placing, moving or removing of such ship or other vessel, and by such hiring as aforesaid, shall be paid and borne by the said owner, master or other person having the charge or command of any such ship or other vessel, such expenses to be recoverable in such manner as in case of penalties or forfeitures under this Act. 25 30

23.

Harbour Master may, in case of necessity, cut Cables.

And be it Enacted, That the said Harbour-master and his assistants shall and may and he and they is and are hereby empowered, in case of urgent necessity, and for preventing the loss of any ship or vessel, to cut the rope, cable or hawser of any ship or vessel lying within the said Harbour, or within *Five hundred* Yards from the entrance thereof, not being any of His Majesty's ships of war, or employed in the service of His Majesty, which shall obstruct the navigation or endanger the safety of any other ship or vessel. 35

24.

Harbour Master may remove Timber floating in the Harbour

And be it further Enacted, That the said Harbour-master and his assistants shall and may and he and they is and are also hereby empowered 40

empowered to remove any timber or rafts floating in any part of the said Harbours and appearing in any manner to obstruct or impede the free navigation of the same, or be injurious to ships and other vessels therein, and also to remove all wrecks and other obstructions which may from time to time be found in or upon the said Harbour; and that the expense of removing such timber, wrecks or other matters causing such obstruction or obstructions as aforesaid shall be paid by the owner or owners of such timber, wrecks or other matters; and that in case the owner or owners thereof shall refuse or neglect to pay the same, or if no owner or owners thereof shall appear within *Fourteen Days* after such removal as aforesaid, then the said Harbour-master shall and he is hereby directed to report such default to the said Commissioners, and that the said Commissioners shall and they are hereby empowered thereupon to issue their warrant authorizing the said Harbour-master, or such other person or persons as they shall think fit, to sell by public cant or auction such timber, wrecks or other matters, or any of them, or so much thereof as shall be sufficient to pay the expense of removing the same as aforesaid; and that after paying and defraying such expenses, the overplus (if any) of the money arising by such sale shall be paid to such person or persons as shall show themselves to the satisfaction of the said Commissioners, or any *Two* of them, to be the owner or owners of such timber, wrecks or other matters respectively.

Harbour-master may remove any Wrecks.

Expense of same to be paid by Owners.

In case of non-payment, Commissioners may sell the Timber, &c. by public Auction; and overplus paid over to Owners, after deducting expenses.

And be it further Enacted, That in case any master, commander or other person or persons having charge or command of any ship or other vessel, or any other person or persons whatsoever, shall obstruct or hinder the mooring or unmooring, placing, moving or removing of any ship or other vessel lying or being in the said Harbour, or being within the said distance of *Five hundred Yards* from the entrance or mouth thereof, then and in every such case such person or persons so offending shall for every such offence forfeit and pay any sum not exceeding the sum of *Twenty Pounds*.

25.
Penalty on Persons obstructing the mooring or unmooring of Vessels.

And be it Enacted, That if any person or persons shall wilfully or maliciously obstruct or maltreat the said Harbour-master, or any of his assistants, in the execution of his or their duties or business aforesaid, or in the doing of any matter or thing which the said Harbour-master and his assistants are by this or any other Act now in force in Ireland empowered to do, every and each of such person or persons shall, except in such cases where a penalty of greater amount is by this or any other Act in force relative to the said Harbour directed to be inflicted, severally forfeit and pay for every such offence any sum not exceeding the sum of *Five Pounds* sterling.

26.
Penalty on Persons obstructing the Harbour-master in any of his duties.

27.
Harbour-
master and
his Assistants
indemnified.

And be it further Enacted, That such Harbour-master, and all and every other person and persons acting in his aid or assistance, shall be and he and they is and are hereby indemnified for all and whatsoever he or they shall do or cause to be done in pursuance of this Act.

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28.
Commission-
ers may, with
the approba-
tion of the
Lord Lieu-
tenant, ap-
point Collec-
tors, &c.

And be it Enacted, That the said Commissioners of Kingstown Harbour shall and may (subject to the approbation of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being) appoint such Collector or Collectors, Ballast-master or Ballast-masters, and such other officers as they shall think proper, for the purposes of this Act; and also shall and may, with the like approbation, appoint to such Collector or Collectors, Ballast-master or Ballast-masters or other officer or officers, such salary or salaries as they shall think reasonable and proper, and shall and may also pay the same from time to time out of any monies which shall be in their hands under this or any other Act or Acts in force in Ireland relative to said Kingstown Harbour.

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29.
Commis-
sioners may
appoint, and
remove Ser-
vants and
Workmen.

And be it further Enacted, That it shall and may be lawful for the said Commissioners, at their own free will, to appoint and pay out of the said monies such and so many other servants, workmen and persons as they shall think proper for the purposes of this Act, or of said recited Acts, and shall and may also from time to time, at their will and pleasure, remove all or any of the said officers or persons, and, subject as aforesaid, appoint others in the room or stead of such of them as shall be so removed, or as shall die or decline or become incapable to act.

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30.
Commis-
sioners may take
Security from
Collectors,
&c.

And be it Enacted, That the said Commissioners shall and may, if they think proper so to do, take good and sufficient security from each or any one of their Collectors, Surveyors or other officers or servants for the due execution of their several and respective offices, and of the trusts reposed in them respectively.

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31.
Penalty on
Collectors, &c
taking Fees.

And be it Enacted, That if any person who shall be appointed Collector, Surveyor, Harbour-master, Ballast-master or otherwise in the said Harbour, shall directly or indirectly exact, take or accept, by any ways or means, any fee or reward whatsoever, other than such salary, payment or allowance as shall be granted by the said Commissioners, every such person so offending shall, at the discretion of the said Commissioners, forfeit and pay a sum not exceeding the sum of *Fifty* Pounds, such penalty to be recovered by action of debt in any of the courts of record in Dublin, or otherwise at the option of the said Commissioners, in such manner as herein-after is mentioned.

35

And

And be it Enacted, That the said Collector and Collectors, or other officer or person having authority under the said Commissioners for that purpose, shall and may levy, collect and receive all duties, penalties, payments, sum and sums of money which are or shall be payable under this Act or any other Act or Acts of Parliament in force in Ireland, upon or in respect to ships, vessels or other bottoms, entering into or lying or being in the said Harbour, or within *Five hundred Yards* of the entrance thereof, and shall and may also levy, collect and receive all and every other duties, penalties, payments and sums of money whatsoever, payable under this or any other Act in force in Ireland in respect to the said Harbour: Provided nevertheless, That such collection and receipt as aforesaid shall not be allowed to interfere with any individual or personal authority given to any other person under or by virtue of this Act for the collection or receipt of any monies.

32.
Collector to
levy Dues.

And be it further Enacted, That in case the owner, master or commander of any ship or vessel, boat or bottom, shall refuse or neglect to pay any of such duties, penalties, payments or sums of money, it shall and may be lawful to and for such Collector or Collectors, or other officer or person as aforesaid, to seize and distrain any such ship or vessel, boat or bottom, or the tackle, apparel or furniture thereof, or any part thereof, and to detain the same until payment shall be made of the said duties, penalties, payments, sum and sums of money, together with the costs of such distress, and that in case the same shall not be paid and satisfied within the space of *Fourteen Days* next after the time of making any such distress as aforesaid, then it shall and may be lawful to and for the Commissioners for the time being of the said Harbour to cause such ship or vessel, boat or bottom, and the tackle, apparel, and furniture thereof to be appraised, and the same, or a sufficient part thereof, to be sold for the payment of the duties, penalties, sum or sums of money for which the said distress shall have been made, as also the reasonable costs and charges incurred in taking, keeping, appraising and selling the same, rendering the overplus (if any) of the produce of such sale to the owner or owners of the ship or vessel, boat or bottom, tackle, apparel or furniture which shall have been so sold.

33.
Collector may
distrain for
Dues.

In case of
non-payment
of Dues Com-
missioners
may sell the
Vessel, &c.

and pay over
the surplus to
the Owner.

And be it Enacted, That the said Collectors, Officers and other persons so appointed as aforesaid shall keep a true and perfect account of all duties, penalties, payments, sum and sums of money which from time to time shall be received by them respectively by virtue of this Act, or such other Act or Acts as aforesaid, and shall, at such time and times and in such manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such

34.
Collectors
and Officers
to keep Ac-
counts.

person or persons as the said Commissioners shall appoint for that purpose, a true and perfect account in writing under their hands of all matters and things committed to their charge by the said Commissioners, or by this Act, and of all monies which shall have been by them and each of them severally and respectively received as aforesaid, and how much thereof hath been paid or disbursed, and for what purpose, together with the proper vouchers for such disbursements, and shall, if required, deliver up all such goods, matters and things as shall remain in their respective hands or custody, to the said Commissioners, or to such other person or persons as they shall appoint, and shall also pay over all such monies at such times and in such manner and under such regulations as the said Commissioners shall direct.

35.
Remedy
against Offi-
cers making
defaults.

And be it Enacted, That if any of such Collectors, officers or persons appointed as aforesaid, shall not make and render such account, or produce or deliver up the vouchers relating to the same, or make payment as aforesaid, or shall not deliver to the said Commissioners, or to such person or persons as they shall appoint, within *Ten Days* next after being thereunto required by notice in writing signed by the said Commissioners or their Secretary, and given to or left at the last or usual place of abode of such Collector, officer or person, all books, papers and writings, goods, matters and things in his custody or power, by virtue of his office, or belonging to the said Commissioners, or shall not give satisfaction to the said Commissioners respecting the same, the said Commissioners are hereby empowered and authorized to cause an action by civil bill or otherwise to be brought against the Collector, officer or person so neglecting or refusing, for the recovery of the monies which shall be in his hands, or the goods, matters or things which shall be in his possession, with costs of suit, or that if complaint be made by the said Commissioners, or by such person or persons as they shall appoint for that purpose, of any such refusal or neglect, to any Justice of the Peace for the county, city, town, borough or place wherein such officer or person shall be or reside, such Justice is hereby authorized and required, by warrant under his hand, to cause such officer or person to be brought before him, and on his appearing, or in case he should not be found, to hear and determine the matter in a summary way, and that if upon the confession of such officer or person, or by the testimony of any credible witness, upon oath, it shall appear to such Justice that any of the monies which shall have been collected and raised under this or any such other Acts as aforesaid, shall be in the hands of or due by such officer or person, such Justice shall and he is hereby authorized and required, upon non-payment thereof, to cause such money, by warrant under his hand, to be levied by distress and sale of the goods

goods and chattels of such officer or person, and that if the goods and chattels of such officer or person shall not be found sufficient to answer and satisfy the said money, and the charges of such distress and sale, or if it shall, in manner aforesaid, appear to such Justice that any such officer or person shall refuse or neglect to render and give such account, or to produce the vouchers relating thereto, or that any books, papers or writings, goods, matters or things belonging to the said Commissioners relative to the said Harbour shall be in the custody, control or power of any such officer or person, and he shall have refused or neglected to deliver or give satisfaction respecting the same, then that such Justice shall commit every such offender to the common gaol or house of correction of or for the county, city, town or place where such offender shall be or reside, there to remain without bail or mainprize, until he shall have given a true and perfect account and made payment as aforesaid, or until he shall have compounded with the said Commissioners touching the same, and shall have paid such composition in such manner as the said Commissioners shall appoint (which composition the said Commissioners are hereby empowered to make and receive), and until he shall have delivered up all such books, papers or writings, goods, matters or things as aforesaid, or shall have given satisfaction to the said Commissioners in respect thereto : Provided always, That no such officer or person shall be committed for want of sufficient distress for any longer space of time than Six calendar Months.

AND whereas it is expedient that the said Commissioners of Kingstown Harbour should possess full power and authority to regulate the mooring and unmooring of all ships or other vessels coming into or going out of the said Harbour, and also fix and determine the proper stations therein to be occupied by each of such ship or other vessel, whether engaged in taking in or putting out of ballast or of a cargo, and that they should also possess a direct power and control over all boats and bottoms plying in and about the said Harbour, and over the boatmen belonging to the same, and also over all public vehicles and conveyances frequenting the piers, wharfs and quays of the said Harbour and drivers of the same, and also over all porters seeking employment as packet porters or otherwise in and about the said Harbour, and should have full power and authority to make such rules and regulations as they may deem necessary respecting the same, for the purpose of regulating the conduct of the masters and commanders of such ships or vessels or of said boatmen, drivers, porters or other persons similarly or otherwise employed in and about the said Harbour and the works connected therewith, and for the maintenance of good order in the said Harbour ; BE it therefore Enacted, That it shall and may

36.
Com-
missioners may
place Buoys,
&c. in the
Harbour,

and mark out
space along
or in Harbour
to be kept
open and free.

be lawful for the said Commissioners from time to time, as they may see fit, to lay and place, or cause to be laid and placed, such buoys, moorings, craft or dolphins as they shall from time to time deem necessary in the said Harbour, and also to cause such space as they shall judge fit to be kept free and open along or near the quays, wharfs and moorings in and belonging to the said Harbour, to be marked out for that purpose by piles, buoys or other sufficient marks.

37.
Masters or
Commanders
of Ships to
pay for use of
Cables, &c.

And be it further Enacted, That when and so often as the master or commander or other person or persons in charge of any ship or other vessel which shall enter into or be within the said Harbour shall make use of any cable, hawser or anchor the property of the said Commissioners, he or they shall pay to the Collector or other person appointed by the said Commissioners for that purpose, such reasonable rates, sum or sums of money as shall have been previously fixed and determined by the said Commissioners.

38.
Penalty on
Masters of
Ships proceed-
ing to unhook
same without
assistance of
the Harbour-
master.

And be it also Enacted, That whenever any ship, vessel or other craft shall in any manner, either by accident or otherwise, hook or get foul of any of the moorings laid down by the Commissioners of the said Harbour, the owner, master or other person having the charge or command of such ship or vessel shall not proceed without the assistance of the Harbour-master of the said Harbour to unhook or get clear of the same, under the penalty of *Ten Pounds* sterling, to be paid by every such owner, master or other person, but shall forthwith give notice thereof to the said Harbour-master, in order that full and effectual aid and assistance may be forthwith given, for the purpose of clearing such ship, vessel or other craft from such moorings without damage to the same, for which said aid and assistance every such owner, master or other person shall pay such reasonable sum of money, not exceeding the sum of *Five Pounds* sterling, as shall be fixed and awarded by the said Commissioners, to be recoverable in the same manner as any penalty or forfeiture is by this Act directed to be recovered.

39.
Penalty on
Masters or
Commanders
of Ships not
fastening
a Buoy to
Anchor.

And be it Enacted, That if the master or commander of any ship or other vessel which shall cast anchor within the said Harbour shall not previously to so doing tie or fasten, or cause to be tied or fastened, a buoy to such anchor, in such manner as that the said buoy shall float in a conspicuous manner, so that it may be plainly and easily seen in what place such anchor has been cast, such master or commander shall for every such offence or neglect forfeit and pay any sum not exceeding the sum of *Five Pounds* sterling, and shall, in addition to the said penalty, forfeit and pay the further sum of *Five Pounds* sterling for every hour such anchor shall

shall so remain without such buoy being so fastened thereto after notice thereof shall have been given to the said master or other person in command of such vessel by the said Harbour-master or other person having authority in that behalf.

5 AND whereas ships or vessels, lighters, barges, boats and other
craft may sometimes be sunk in the water or stranded in the said
Harbour, and in case the same, or the hulks thereof, were suffered
to remain there, they would occasion damage to the said Harbour,
or to the ships and vessels coming into or resorting to the same ;
10 FOR Remedy thereof, Be it Enacted, That when and as often as
any ship or vessel, lighter, barge, boat or other craft shall be sunk
and stranded in the said Harbour, or within *Five hundred Yards*
beyond the entrance thereof, it shall be lawful for the said Com-
missioners, or for the said Harbour-master acting under the autho-
15 rity of the said Commissioners, in case the owner or owners,
master or other person having the charge or command of such ship
or vessel, lighter, barge, boat or other craft, shall refuse or neglect
to weigh and raise the same for the space of *Fourteen Days* next
after the same shall have been so sunk or stranded, to cause the
20 same to be weighed and raised, and to cause the same, together
with the furniture, tackle and apparel thereof, or of any part
thereof respectively, and also all or any part of any goods, wares,
merchandizes, chattels and effects which shall be found on board,
the same to be sold by public auction or otherwise, and thereby
25 and therewith to pay the charges and expenses of so weighing and
raising such ship, vessel, lighter, barge, boat or other craft, and so
clearing the said Harbour, and also the charges and expenses of
such sale, rendering the overplus (if any be) to the owner or owners
or other person or persons who by law shall be entitled to the
30 same.

40.
Commis-
sioners may
have sunken
Vessels raised.

and sold.

And be it further Enacted, That if the owner, master or other
person having the charge or command of any ship or vessel,
lighter, barge, boat or other craft whatsoever, or any person work-
ing any quarry, mine or pit near to the said Harbour, or any other
35 person or persons whatsoever, shall cast, throw, empty, unlade or
conduct, or cause or procure to be cast, thrown, emptied, unladen
or conducted, either from or out of any such ship or vessel, lighter,
barge, boat or other craft, or from the shore, any ballast, stone,
slate, gravel, earth, rubbish, wreck, filth, damage or washings into
40 the said Harbour, or within such reasonable limits beyond the said
Harbour as may from time to time be prescribed by the said Com-
missioners, or into any sewer or stream that empties itself into the
same, or into any place or situation on shore where such matter shall
be liable to be washed into the same, either by ordinary or high

41.
Penalty on
Persons cast-
ing Rubbish,
&c. into Har-
bour.

tides; or by storms or land floods, all and every such person and persons so offending shall for every such offence forfeit and pay a sum not exceeding the sum of *Ten* Pounds over and besides all expenses which may be incurred in removing to a proper place any of the said matter which may have been deposited contrary to the provisions of this Act, such expenses to be recoverable in such manner and with such power of commitment for non-payment thereof as in cases of penalties or forfeitures under this Act. 5

42.
Commissioners to have the power given to the Corporation for preserving and improving the Port of Dublin by the 26 & 32 Geo. 3;

and the power over Cars, &c. given by 37 Geo. 3. & 48 Geo. 3.

And be it further Enacted, That from and after the *passing of this Act*, the said Commissioners shall have and exercise, according as they may judge expedient, for the maintenance of good order in the said Harbour, all the powers and authorities whatsoever for the managing and punishing persons having the charge of boats, wherries and other craft entering or making use of the said Harbour, as are contained in the several two Acts of Parliament made and passed respectively in the twenty-sixth and thirty-second years of the reign of King GEORGE the Third, and thereby given to the said Corporation for preserving and improving the Port of Dublin, and also all the powers and authorities whatsoever for the managing and punishing of persons having charge of coaches, cars, carriages, carts, drays or any other vehicle whatsoever, licensed by the superintendent Magistrate for the preservation of the peace within the district of the city of Dublin, or other person or persons qualified for that purpose in the city of Dublin, as are contained in a certain Act made and passed in the thirty-seventh year of the reign of King GEORGE the Third, intituled, "An Act for amending and reducing into one Act of Parliament the Laws relating to Hackney and other Carriages plying in the City of Dublin, its Suburbs and Liberties, and within Seven Miles thereof," and in a certain other Act of Parliament made and passed in the forty-eighth year of the reign of King GEORGE the Third, intituled, "An Act for repealing the Rates and Taxes taken by Licensed Hackney Coachmen, and for establishing others in lieu thereof, and for amending several Laws relating to Hackney Coaches, or which are contained in any other Act or Acts of Parliament in force in Ireland relative to Coaches, Cars, Carriages, Carts, Drays or any other Vehicles plying in the City of Dublin, its Suburbs, Liberties and Environs." 10 15 20 25 30 35

43.
Commissioners may license Boats and Wherries to ply in Harbour.

And be it Enacted, That it shall and may be lawful to and for the said Commissioners from time to time, as they shall see fit, to grant Licenses for such time as they may think proper, to the Owners and proprietors of boats, wherries and other craft, permitting them to ply the same respectively for hire, and to lend out the same to all such person or persons as may be willing to hire the same; and that every person who shall obtain any such License in respect 40

respect to any boat, wherry, or other craft, shall pay for the same to the said Commissioners a sum not exceeding the sum of *Two Shillings and Sixpence*, and that all such boats, wherries and other craft shall be numbered as the said Commissioners shall direct, and shall be registered by their number and by the names of their respective owners with the Harbour-master for the time being of the said Harbour, or with such other person as the said Commissioners shall appoint for that purpose; and the respective owners thereof shall pay to the said Harbour-master, or such other person as aforesaid, a sum not exceeding the sum of *Two Shillings and Sixpence* sterling for registering the same, and that each of such owners and proprietors aforesaid shall cause his registered number, together with his name, to be painted distinctly on a conspicuous part of the boat, wherry or other craft, as the case may be, and there to be kept and renewed as often as the same may be required; and that in case any of such owners and proprietors shall refuse or neglect so to do, he shall for every such offence forfeit and pay to the said Commissioners any sum not exceeding the sum of *Forty Shillings*.

And be it Enacted, That it shall and may be lawful to and for the said Commissioners from time to time, as they may think fit, to grant Licenses to such and so many persons as they may deem requisite to act as porters in and about packets coming into or lying in the said Harbour, or in and about the wharfs, quays and landing places of the same, for the purpose of transporting luggage, goods, wares or merchandizes for expected reward from the person to whom the same shall belong.

44.
Com-
missioners may
license Packet
Porters.

And be it further Enacted, That it shall and may be lawful to and for the said Commissioners, whenever they shall see fit, to deprive of his or her license any of such owners or proprietors of such boats, wherries or other craft, or any of such packet porters to whom a License shall have been so granted as aforesaid.

45.
Com-
missioners may
withdraw Li-
censes.

And be it further Enacted, That it shall and may be lawful for the said Commissioners of Kingstown Harbour, and they are hereby authorized and empowered from time to time to make and ordain such bye-laws, rules, orders and regulations as to them may seem expedient and be approved of by some one of the Chief Justices of His Majesty's Courts of King's Bench, Common Pleas and Exchequer in Ireland, for regulating and preserving the moorings in and belonging to the said Harbour, and for regulating the mooring and unmooring of ships or other vessels coming into or going out of the said Harbour, or the said space of *Five hundred Yards* beyond the entrance thereof, and fixing the proper stations therein to be occupied by the several ships, vessels, lighters, barges, boats or other

46.
Com-
missioners may
make Bye-
laws, Rules
and Regula-
tions.

craft being in the same, and for regulating the licensing hereinbefore mentioned of all boats, wherries and other craft plying in the said Harbour, and of all parties or other persons employed in and about the said Harbour, and fixing the limits within which boats, wherries and other craft so licensed shall ply, and for regulating the conduct and direction of the masters and commanders or other person or persons in charge of any ship or other vessel coming into, remaining in or going out of said Harbour, and also for regulating the conduct and direction of the owner or proprietor or other person or persons in charge or management of any boats, wherries or other craft plying in or which shall arrive at and enter the said Harbour, and also for regulating the conduct and direction of all persons who shall frequent the piers, wharfs and quays of the said Harbour with coaches, cars, carriages, carts, drays or other vehicles, and ply the same for hire, and of all persons who shall be so as aforesaid licensed to act as porters or in any other like capacity in and about the said Harbour or the said wharfs, piers and quays, and for fixing and regulating the rates or prices, sum or sums of money which it shall and may be lawful for such owners or proprietors or other person in the care and management of such boats, wherries or other craft, or for such partners or other persons so as aforesaid licensed under this Act, to demand and receive from the person or persons who shall employ them, according to their said several and respective occupations, and also for the regulating of any other matter, thing or purpose connected with the said Harbour, or in any manner tending to the maintenance of good order in the said Harbour, or upon the wharfs, quays or piers belonging to the same.

47.
Commis-
sioners may
fix Penalties
for breach of
the Bye-laws.

And be it further Enacted, That it shall be lawful for the said Commissioners of Kingstown Harbour and they are hereby authorized to fix and specify in the said bye-laws, rules and regulations such penalties to be inflicted on any person or persons offending against the same as to them shall seem expedient, and be approved of by some one of the Chief Justices of His Majesty's Court of King's Bench, Common Pleas or Exchequer in Ireland, and not already fixed by any of the provisions of this Act, the same to be recovered in like manner as penalties and forfeitures under this Act are hereinafter directed to be recovered: Provided always, That such bye-laws, rules and regulations, or any of them, or any matter therein contained, shall not be contrary to any of the laws and statutes of this realm, or to any of the provisions contained in this Act: Provided always, That no such penalty or fine shall, except it is otherwise specially provided by this Act, exceed the sum of *Forty* Shillings for each offence.

And

And it is hereby further Enacted, That all such rules, orders and regulations may be from time to time varied and altered by the said Commissioners as they may see fit, and that the same shall have as full force and effect as if the same were incorporated in this Act.

48.

Bye-laws, Rules and Regulations may be varied; to have the power of Enactments.

And it is hereby further Enacted, That immediately upon the making thereof, and also from time to time whenever the same shall in any manner be varied or altered by the said Commissioners, they shall be forthwith published, by having the same written or printed upon paper, or painted upon boards, and hung up or exposed in some open, conspicuous and frequented part of the piers, wharfs and quays of the said Harbour, or in the vicinity thereof, to the intent that the same may be seen and read, and extracts taken from the same by persons interested therein, and shall also be renewed when and as often as the same shall become obliterated, defaced or destroyed.

49.

Bye-laws and Rules to be published by printing on Boards in and about Harbour.

And it is hereby Enacted, That if any person shall pull down or destroy any of such boards, or obliterate or deface any of the writing thereon, he shall for every such offence forfeit and pay any sum not exceeding the sum of *Forty* Shillings.

50.

Penalty on Persons defacing Boards.

And be it further Enacted, That in all cases where by this Act or any former Act or other Act having reference either to the said Old Harbour of Dunleary, or to said Kingstown Harbour, any person or persons is or are rendered liable to the payment of any penalty or fine, for or on account of any offence, whether occasioned by the omitting or committing of any deed, action or thing, contrary to the form and provisions of this Act, or of any former or other Act, or contrary to any of the said rules and regulations to be made by the said Commissioners under the authority of this Act, and that such offence shall have been committed by the owner, master or other person having the charge of, or by any person on board of any ship or vessel, lighter, barge, boat or other craft, it shall and may be lawful for the Harbour-master, or for the person having authority under this Act, to demand payment of the said penalty and fine, and the expenses occasioned by and consequent on such offence, and in case of non-payment of the same upon such demand, to seize and distrain the ship, vessel, lighter, barge, boat or other craft, or the tackel, apparel or furniture thereof, or any part thereof, the owner, master or other person having the charge of which, or any person on board which shall have so offended as aforesaid, and to detain the same until payment of the said penalty and expenses to the person having authority under this Act to receive the same; and until such payment as aforesaid, no clearance or discharge shall be allowed or granted for such ship or other vessel: Provided nevertheless, That no boat or wherry plying

51.

Ships or other Vessels may be seized and detained for Penalties.

in the said Harbour, shall on any one occasion or for any single offence be so detained by the said Harbour-master for any longer space of time than *Four Days*: And provided also, That the enforcing any of the said penalties shall not in any manner affect any remedy which any person or persons shall or may have by action or otherwise against the person or persons liable to the payment thereof for any damage or injury which may have been done by the Act whereby such penalty was incurred. 5

52.
Penalty on
Persons un-
mooring Boats
without leave
of the Owners.

AND whereas it has been hitherto not uncommon for persons having no authority from the owners so to do to take and remove boats from their moorings, and to use the same for the purpose of returning to or getting on board of ship and vessels lying and being in the said Harbour during the time of night, or for other purposes, and and such boats so removed are often turned adrift in the said Harbour, to the great injury and inconvenience of the owners thereof; BE it therefore Enacted, That from and after the *passing of this Act*, if any person or persons shall loosen or remove from its moorings any boat or other craft lying or being within the said Harbour without the leave or authority of the owner thereof, such person or persons shall forfeit and pay for every such offence the sum of *Forty* Shillings, or at the discretion of the Commissioners of said Harbour, or of the Justice of the Peace hereinafter mentioned, shall be committed to the common gaol or house of correction of or for the county, city, town or place where such offender shall be or reside, there to be kept at hard labour for any term not exceeding *Two* calendar Months. 10 15 20 25

53.
Penalty on
Persons bath-
ing in the
Harbour.

And be it further Enacted, That from and after the *passing of this Act*, it shall not be lawful for any person or persons to bathe in the waters inclosed within the limits of the piers of the said Harbour, or from any part of the piers, wharfs, quays or jetties of the said Harbour, or within *One hundred* Yards thereof, except at such places and at such times as shall be authorized and appropriated for that purpose by the said Commissioners; and that every person or persons so offending, after due notice to the contrary shall have been given by the said Commissioners, and conspicuously posted on the piers, wharfs or quays of the said Harbour, shall forfeit and pay for every such offence a sum not exceeding the sum of *Twenty* Shillings, to be recovered and applied by the said Commissioners as in the case of other penalties incurred under this Act. 30 35

54.
Penalty on
Persons dis-
charging Fire-
arms in said
Harbour.

And be it also Enacted, That if any person shall fire off or discharge any description of fire-arms in the said Harbour, or on or from the piers, wharfs or quays thereof, he shall for every such offence forfeit and pay a sum not exceeding the sum of *Twenty* Shillings, to be recovered and applied by the said Commissioners as in the case of other penalties incurred under this Act. 40

And

And be it further Enacted, That from and immediately after the passing of this Act, for and notwithstanding any Act to the contrary, it shall not be lawful for Magistrates and others having authority to grant licenses for the sale of beer or spirits, or of any other kind of liquor, to grant any license, without the consent of the said Commissioners for that purpose in writing, to any person or persons whatsoever to sell the same within *One hundred* Feet of the road which runs along the south-west side of the said Harbour, between the two piers thereof, save and except to the occupiers of such houses, the present occupiers of which are now licensed for the purpose aforesaid.

55.
No Public-house to be permitted within 100 feet of Road on South-west side of Harbour.

And be it Enacted, That the said Commissioners, and all and every of the persons who have been from time to time heretofore or shall be hereafter appointed Commissioners of the said Harbour, shall be and they are hereby indemnified and saved harmless of and from all loss, charges, damages, trouble and responsibility to which they are or might be subject and liable in consequence or by reason of any acts, matters or things which have been or shall be done and executed, or authorized to be done and executed by any *Two* of them, in any case or on any occasion under the provisions of the said recited Acts or of this Act: Provided however, That such indemnity as aforesaid shall not be construed to exonerate any of such Commissioners from the personal consequences of any wilful misdeed or default by him committed or suffered, or to be committed or suffered.

56.
Commissioners indemnified.

And be it Enacted, That it shall and may be lawful for the Commissioners of the said Harbour and they are hereby individually authorized and empowered in all matters and things whatsoever having relation to the said Harbours, or in any way concerning the same, or the ships or vessels, lighters, barges, boats and other craft therein or frequenting the same, or the owners, masters or commanders thereof, or the officers acting under the said Commissioners, or any person or persons employed in or about the said Harbour, or concerning offences committed against this Act or the said other Acts of Parliament herein recited and referred to, and also concerning all offences against or breaches of the peace committed by any person or persons whomsoever in or about the said Harbour, or the said space of *Five hundred* Yards beyond the entrance thereof, or in or about any of the wharfs, quays or piers thereof, or in or about any of the quarries, works or other property of the said Commissioners connected with the said Harbour, or the ships, vessels, lighters, barges and other craft within the same respectively, or within *Five hundred* Yards beyond the entrance thereof, to assume the character and undertake the duties of any Justice of the Peace or any Magistrate

57.
Commissioners to have the Power of Magistrates.

trate of a county, city, borough or town corporate in Ireland, with all such powers of examining upon oath or affirmation (which oath or affirmation they are hereby individually authorized to administer), and of hearing, determining, committing and punishing as is vested in or belongs to any such Justice of the Peace or Magistrate. 5

58.
Commission-
ers may
appoint Con-
stables.

And be it Enacted, That it shall and may be lawful for the Commissioners for the said Harbour and they are hereby authorized and empowered to nominate, appoint and swear in a sufficient number of peace-officers, watchmen and constables, who shall act as such in and about the said Harbour, and shall, during their continuance in their said offices, have and enjoy all the powers and authorities, privileges and immunities which constables are invested with or have and enjoy by law; and that if any of such peace officers, watchmen or constables shall not faithfully observe, perform and keep the rules, orders and regulations which shall have been made and appointed by the said Commissioners, or shall in any manner neglect his duty or misbehave himself in the execution of his said office, such person so offending shall forfeit and pay to the said Commissioners for every such offence any sum not exceeding the sum of *Five Pounds*; and if the said Commissioners shall think proper he shall be immediately discharged from his said office or employment of peace-officer, watchman or constable. 10 15 20

59.
Any Two of
the Commis-
sioners quali-
fied to act.

And be it Enacted, That all acts, matters and things which the said Commissioners of Kingstown Harbour are by this Act, or by the said two several Acts of the fifty-sixth year of the reign of King GEORGE the Third, and the first year of the reign of King GEORGE the Fourth, or by any other Act or Acts in force in Ireland relative to said Harbour, require or authorized to do or execute in respect to the same, shall and may be done and executed by any *Two* of the said Commissioners for the time being of the said Harbour. 25 30

60.
Offences
against Har-
bour Acts to
be heard by
any Two of
the Commis-
sioners, or a
Justice of the
Peace.

And be it Enacted, That all offences whatsoever which by virtue or under the authority of this Act or of any other Act or Acts of Parliament in force relative to the said Harbours are or shall be subject or punishable with any pecuniary penalties, fines or forfeitures, and also any offence against this Act or any such other Act or Acts as aforesaid, and against any bye-law, rule or regulation so as aforesaid made in pursuance hereof, shall and may in every case where no express or exclusive provision exists or has been made to the contrary, be heard, adjudged and determined in a summary manner by and before any *Two* of the said Commissioners of the said Harbour, or by and before any Justice or Justices of the Peace acting in and for the county of Dublin or in and for the city of Dublin, and that the said Commissioners or Justice shall summon the party or parties accused, and examine into the matter thereof; and that if upon the confession 35 40

confession of the party or parties accused, or on the death of any one or more credible witness or witnesses (which oath the said Commissioners or Justice is and are hereby empowered and required to administer), the party or parties accused shall have been convicted of having committed such offence or offences, then and in every such case the said Commissioners or Justice shall and may award to the offender or offenders such punishment as by this Act, or by any of the said other Acts, or by the said bye-law, rule and regulations, he or they is or are made subject and liable to ; and that the penalty or penalties, fine or fines, forfeiture or forfeitures, if any, which may have been so awarded, together with the costs of conviction, to be ascertained by such Commissioners or Justice, shall be forthwith paid by the party or parties so convicted as aforesaid ; and that in case of non-payment thereof, then the same shall and may, by warrant under the hand and seal, or hands and seals, of the said Commissioners or Justice (which they and he are and is hereby empowered and authorized to grant) be levied and recovered, together with the costs of conviction and recovery, to be ascertained as aforesaid, by distress and sale of the goods and chattels and effects of such offender or offenders, wheresoever such goods, chattels and effects can be found ; and that the overplus (if any) of the money arising by such distress and sale, after deducting such penalty or penalties, fine or fines, forfeiture or forfeitures, together with the costs of conviction, and the reasonable expenses attendant upon such distress and sale, shall be rendered to the owner or owners of the goods, chattels and effects so distrained ; and that it shall and may be lawful to and for such Commissioners or Justice to order the offenders or offender so convicted to be detained in safe custody until return can be conveniently made to such warrant or warrants of distress, unless the said offender or offenders shall give sufficient security to the satisfaction of such Commissioners or Justice for his or their appearance before the said Commissioners or Justice on such day as shall be appointed for the return of such warrant or warrants of distress, such day not being at a greater distance than *Seven Days* from the time of taking any such security, and which security the said Commissioners or Justice are and is hereby empowered to take by way of recognizance or otherwise ; and that if upon the return of such warrant, it shall appear that no sufficient distress can be found, or in case the said penalty or penalties, or fine or fines, forfeiture or forfeitures, and such costs as aforesaid, shall not be forthwith paid, or in case it shall appear to such Commissioners or Justice, either by the confession of the offender or offenders, or otherwise, that such offender or offenders hath or have not sufficient goods, chattels and effects whereon such penalties, fines or forfeitures and costs may be levied, it shall and may be lawful to and for the said Commissioners or Justice, and they and he are and is hereby authorized and empowered, by warrant

501. E under

under their or his hand and seal, to commit such offender or offenders to the common gaol or house of correction, there to remain without bail or mainprise for any time not exceeding *Three* calendar Months, unless such penalties, fines or forfeitures, together with all such costs and expenses as aforesaid shall be sooner paid and satisfied. 5

61.

Penalty on
Witness re-
fusing to
attend and
give evidence.

And be it Enacted, That if any person who shall be summoned as a witness to give evidence in any of the said cases before such Commissioners or Justice of the Peace, or Justice or Justices at the Sessions, and shall, without a reasonable excuse to be allowed by such Commissioners or Justice of the Peace, or Justice or Justices 10 at Sessions respectively, refuse or neglect to appear at the time and place to be for that purpose appointed, a reasonable sum having been paid or tendered to such person for his charges, or if upon appearing he shall refuse to be examined upon oath, or in case of Quaker or Moravian, upon solemn affirmation, or to give evidence 15 before such Commissioners or Justice of the Peace, or Justice or Justices at Sessions respectively, and shall not make reasonable excuse for such refusal, to be allowed by such Commissioners or Justice of the Peace, or Justice or Justices at Sessions respectively, then and in any of the said cases such person shall forfeit and pay 20 for every such offence any sum not exceeding the sum of *Five* Pounds, to be recovered in the same manner as other penalties and forfeitures within this Act.

62.

Informer to
be a Witness.

And be it Enacted, That upon any trial or other proceeding for recovery of any penalty, fine or forfeiture under this Act, or under 25 any other Act or Acts of Parliament in force relative to said Harbour, any informer or other person who in the event of a conviction would be entitled by law or by any promise or agreement to the penalty to be recovered thereon, or to any part, share or proportion thereof, or to any fee, profit, reward or emolument whatsoever, or who may 30 expect the same respectively, shall nevertheless be received and admitted as a witness on such trial or other proceeding, and that such testimony shall, if believed, be sufficient thereon to all intents and purposes as far as the same testimony could be if given by an indifferent person. 35

63.

Public Act.

And be it Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such, by all Judges, Justices and others, without being specially pleaded.

THE SCHEDULE to which this Act refers.

	£.	s.	d.
FOR every Foreign Ship or Vessel, and also for every British Ship or Vessel trading to or from a Foreign Port which shall discharge or take in a cargo at any of the quays, wharfs or piers of the Harbour now being erected at Dunleary otherwise Kingstown, or of the Old Harbour of Dunleary, a Duty for every ton of the registered burthen or tonnage thereof (the amount to be in the discretion of the Commissioners for the time being of the said Harbour now being erected as aforesaid), not exceeding the sum of - - - - -	-	-	9
For every Ship or Vessel freighted with Coals, and for every Ship or Vessel coming coastways from any Port in the United Kingdom of Great Britain and Ireland, which shall discharge or take in cargo at any of the quays, wharfs or piers of the said Harbours, a Duty for every ton of the registered burthen or tonnage thereof (the amount to be in the discretion of the said Commissioners), not exceeding the sum of - - -	-	-	6
For every Ship or Vessel which shall land or take in Passengers at any of the quays, wharfs or piers of said Harbour, but which shall not discharge or take on board merchandize or other cargo, a Duty on each and every trip or voyage to or from said Harbour (the amount to be in the discretion of the said Commissioners), not exceeding the sum of - - - - -	-	10	-

Kingstown Harbour.

(Ireland.)

A

B I L L

To amend several Acts relating to the
Harbour of Kingstown.

(Prepared and brought in by
Lord Viscount Morpeth and Mr. Attorney
General for Ireland.)

Ordered, by The House of Commons, to be Printed,
28 July 1836.

28 March 1836.—6 WILL. IV.



(Ireland.)

A

B I L L

For the Amendment of the Law of Landlord and Tenant in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

W**H****E****R****E****A****S** it is expedient to encourage the improvement Preamble.
of the Lands in Ireland by the occupying Tenants, and to
promote the building of a better description of Houses for the use
of the farmers and peasantry and other inhabitants of that country;
5 and to make provision for the better regulation of the interests of
Landlords and Tenants as respects the letting and holding of Lands
in Ireland:

And whereas it has long been the general practice in Ireland
that all buildings have been erected and kept in repair, and all
10 improvements have been made by the Tenant, and at his cost:

And whereas the powers of the Landlord in recovering rent
and in evicting Tenants from their holdings, and enforcing claims
of every description by means of distress and ejectment, have been
strengthened and extended by various Acts passed at different
15 times by the United Parliament since the period of the Legislative
Union:

And whereas it is therefore just and expedient that a reason-
able protection should be afforded to Tenants making permanent
and beneficial improvements on Lands and Tenements held for
20 limited and determinable periods;

BE it therefore **Enacted**, by The KING's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,

1.

Tenants holding at will, or from year to year, or by determinable Leases for lives, or for a term not exceeding Thirty-one Years, in case of being ejected, may recover Compensation for improvements.

Provided they be not made in pursuance of any Contract, or of any allowance or abatement of Rent at any time given.

Provided such improvements shall be consented to by Landlord, except in certain cases.

Provided that, if not consented to, they be proved in such cases suitable to the purposes of the holding, and that a permanent increased value had been produced.

Provided that the Compensation be limited to a certain portion of such increased value.

And provided that an Agreement for a new Lease or a renewal of the Tenancy shall bar all claim for Compensation.

and by the Authority of the same, THAT in respect of any Lands or Tenements in Ireland in the occupation of any Tenant holding at will or from year to year, or which are now held or shall hereafter be holden by virtue of any lease for a period of a life or lives, or for a term of years not exceeding *Thirty-one* Years in the whole, and which lease shall expire or determine at any time after the *passing of this Act*; and in case the Tenant occupying or holding such lands shall have erected buildings or made valuable and permanent improvements on the soil of the said lands or tenements, by draining, quarrying, manuring or in any manner otherwise improving, reclaiming or inclosing such lands or tenements, at the proper cost of such Tenant, during the continuance of his aforesaid interest therein; and in case such Tenant at will or from year to year, or such Tenant by lease (on the expiration or other determination of his tenure) shall be ejected by his Landlord, it shall and may be lawful for such Tenant to recover compensation for the buildings or improvements so made by him under the limitations and conditions hereinafter contained: Provided always, That such buildings or improvements shall not have been made in pursuance of any contract binding the Tenant to make the same, or in consideration of any reduction or abatement of rent made at the commencement or at any other period of the demise: And provided also, That any buildings or other improvements shall not be chargeable on the Landlord or his successors, to which the consent of the Landlord shall not have been given, unless in the cases and under the limitations hereinafter stated: And provided also, That in all cases wherein compensation shall be so allowed for buildings or improvements not made in pursuance of a special consent of the Landlord, it shall rest with the Tenant to prove that such improvements were suitable and necessary to the purposes of the holding, and that the buildings were not of a greater extent than were consistent therewith, and that a permanent increased value had been produced by such improvements: And provided also, That the compensation awarded shall not exceed a certain portion of such increased value, as hereinafter determined: And provided also, That after any claim has been made on the part of any Tenant for compensation, a new lease or agreement for a renewal of his Tenancy being made, shall be a discharge of such claim, it being the true intent and meaning of this Act that in case the Landlord shall not dispossess the Tenant, and shall permit him to enjoy the premises he has improved at his own cost, without unduly raising the rent in consideration of such improvements, such Landlord shall not be required to pay any money compensation for the improvements so made.

And

[3]

And be it Enacted, That, except where the nature of the provision or the context shall exclude such construction, the words hereinafter mentioned shall in this Act be interpreted as follows; (that is to say) the word "Landlord" shall extend to all person or persons, body or bodies politic, corporate, collegiate, aggregate or sole, who for the time being shall be entitled to the immediate reversion of any lands or tenements, and shall have power to re-enter thereon, and receive the rents and profits thereof; and every word importing the singular number only shall extend and be applied to several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "Lease" shall be considered as extending to all instruments or agreements in writing by which any lands or tenements may be holden; and the word "Tenant" shall extend to all persons holding any lands or tenements under such agreements, whether as the original Lessees, or as the Heirs, Executors, Administrators or Assigns of such Lessees; and the word "Rack-rent" shall mean any rent not less than *Three-fourths* of the full improved nominal value.

2.
Interpretation of words used.

AND whereas it is expedient that provision should be made for the cheap and speedy determination of the amount of all Claims which shall become due under this Act; BE it Enacted, That the Justices and Cess-payers assembled at any Road Sessions which shall be holden in any county under the provisions of an Act passed in the third and fourth year of His Majesty King WILLIAM the Fourth, shall select from the List of Persons qualified to act as Jurors for the trial of issues joined in His Majesty's Courts of Record a certain number of persons, not less than *Ten* in each and every barony and half barony (if the baronies be so divided for the purposes of the aforesaid Act), whom they shall agree on as fit and proper persons to act as Valuers, and from which number the Valuers in each case shall be selected by ballot as hereinafter provided.

3.
Magistrates and Cess-payers at Road Sessions shall select out of the Special Jury List qualified Persons to act as Valuers.

And be it Enacted, That in case any Tenant who has made valuable improvements of the nature which should entitle him to compensation under this Act shall be served with a Declaration in ejectment, or a Notice to quit, or to pay an increased rent, it shall be lawful for such Tenant in all such cases to demand an inquiry, by the means and powers hereinafter provided, as to the following points; first, Whether a real increased value had been produced to the Landlord by such improvements so made at the cost of the Tenant; and secondly, To what amount such value had been created, and to claim compensation justly proportioned thereto; and such Tenant shall thereupon serve on his Landlord or the known Agent of such Landlord a Notice of such demand in the form provided in the Schedule hereunto annexed; and he shall also serve or cause to be

4.
Tenant having made Improvements, on service of Notice of Ejectment, or Notice to quit, or pay an increased Rent.

May demand inquiry whether increased value has been produced, and to what amount, and demand Compensation accordingly.

Shall serve on Landlord or his Agent a Notice of such demand.

Shall also serve a copy on Under-Sheriff Twenty Days before the next Sessions.

Sheriff shall thereupon summon the Valutors of the district to the next Sessions.

served on the Under-Sheriff of the county in which the premises may be situate a copy of such Notice, at least *Twenty* clear Days before the first day of the next General Sessions of the Peace to be holden in and for such district; and in case the Sheriff shall receive one or more such Notices, he shall thereupon summon to appear at such Sessions all the Valutors appointed as before directed for the baronies or half baronies comprised within the district for which such Sessions are to be holden.

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5.

Five Valutors to be drawn by Ballot out of the whole number.

And be it Enacted, That the claims of the several parties shall be decided in manner and form following ; (that is to say) the Bar-

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Landlord and Tenant may object alternately to the names drawn.

If the whole panel be gone over and objected to, a second drawing shall take place, and the Five names first drawn shall be the Valutors in the case.

Valutors to be sworn.

The Witnesses to be sworn and examined before Barrister.

rister presiding at the Court of Quarter Sessions shall cause *Five*

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names to be drawn by ballot out of the whole list of Valutors for

the several baronies or half baronies within the district, and the

Five Valutors so drawn shall be the persons to try and decide the

case for the trial of which such *Five* names were drawn : Provided

always, That the Landlord and Tenant may object alternately to

each name drawn, till *Five* names shall be obtained without objec-

tion being made thereto, or the whole list of Valutors be gone

through, in which case the names shall be again drawn, and the *Five*

first names so drawn shall be the Valutors in the case; and the

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Valutors shall be sworn in the form in the Schedule annexed ; and

the Witnesses shall be sworn and examined in open Court before the

Barrister and the Valutors ; and the Valutors shall give the award

under their hands and seals, or under the hands and seals of any

Three of them ; and they shall award the expenses to be paid by

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the respective parties in such proportions as they may deem right ;

and the Valutors shall first inquire whether the improvements or

buildings for which compensation shall be claimed were made by

the concurrence or consent of the Landlord for the time being, and

if such consent shall be proven by any written document or otherwise,

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to the satisfaction of the Valutors, they shall then award against such

Landlord or his heir (as the case may be) such portion of the amount

so expended, not exceeding *Three-fourths*, as they shall deem just

and reasonable : Provided always, That in all cases the Valutors,

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in estimating the amount of compensation, shall take into consid-

eration, with reference to lands, the degree in which the improve-

ments may be either permanent or temporary in their nature ; and

with regard to houses, the durability of the materials and the state

of repair ; and in all cases the length of time during which the

Tenant enjoyed the benefit of his improvements, as well as the

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amount of rent paid, and shall make their award, so as to do substantial

justice between the parties : Provided always, That in case such

claim shall be made against a person being heir in remainder after

a Landlord, who, being Tenant for life only or Tenant in tail, with

a remainder over, had given such consent, such heir shall not be

held

Expenses to be borne by the parties as the Valutors shall award.

If Improvements be made by consent of Landlord.

Valutors shall award such portion of amount expended as they shall deem right, not exceeding Three-fourths.

Circumstances to be considered.

An Heir in remainder not chargeable by consent of his predecessor, except in so far as an increase of value be proven.

held bound by such consent, except in so much as an actual increase of permanent value shall be proven, and in such case the Valuators shall compute the compensation as hereinafter provided with reference to Tenants improving without the special consent of the Landlord.

And be it Enacted, That in case of all claims to which the consent of the Landlord shall not be proven, it shall and may be lawful for the Landlord against whom such claim shall be brought to produce evidence to show that the buildings (if the claim were founded on the value of buildings) were of a nature and extent greater than was necessary or expedient for the circumstances of the Tenancy, or that an increased value had not been created proportional to the expenditure, whether in buildings or other improvements of whatever nature they might be, and the Valuators shall take the same into consideration in deciding the amount of compensation to be awarded, and they shall inquire whether an increase of value has been actually created of such nature as to produce a capability of obtaining a greater rent from a solvent Tenant than would otherwise have been obtainable from the premises if the improvements of the Tenant had not been made, and having ascertained to the best of their judgment the amount of such annual increase, they shall estimate such increase at *Twenty Years'* purchase, and they shall award the Tenant such portion of the sum so produced, not exceeding *Three-fifths* of the whole sum, as they shall deem just and reasonable: Provided always, That it shall not be lawful for the Valuators to give compensation for buildings erected without the consent of the Landlord of any greater cost or extent than shall in their opinion be justly suitable to the purposes of the concern and the wants of the Tenant, or for improvements of any description made without such consent, unless a real increase of permanent value shall be proven, and unless the improvements made, and the premises generally, shall be in good and sufficient tenantable condition and repair.

And be it Enacted, That in case the claims of any Tenant shall be rejected on the grounds of the consent of the Landlord not having been obtained, or in case of buildings, that such buildings were of greater extent than required by the nature, circumstances or purposes of their holding, or that an increased value had not been produced by such improvements, it shall be lawful for such Tenant to pull down, remove or in any manner dispose of the materials of such buildings; or in cases of mills or buildings containing machinery of any description, to remove the machinery therefrom, and in such cases the Tenant shall not be liable to any penalties imposed by any law, or statute, or by any covenant in any lease against Tenants committing waste

6.

If the consent of the Landlord be not proven, Landlord may produce evidence to show that the Buildings were not suitable to the concern, or that an increased value had not been produced.

Valuators shall inquire into the same.

Shall ascertain the amount of the increased Rent to be obtained from a solvent Tenant.

Such increase to be estimated at *Twenty Years'* purchase.

Compensation not to exceed *Three-fifths* of such sum. Compensation shall not be given for Buildings of greater extent than suitable to concern, except on proof of consent by Landlord; or for other Improvements made without consent, unless increased value be proven.

7.

If Claim of Tenant be rejected, on the grounds of consent not being given, and the Buildings being too extended, or that increased value was not created, Tenant may pull down and sell materials:

Provided the Buildings be first offered to Landlord at a value; and provided Buildings be left on premises in repair of same extent as originally let to Tenant, or as Tenant might be bound by Lease to erect.

8.

Tenant to have Three Months for removal of same, after eviction.

or dilapidation; provided the said buildings shall have been first offered to the Landlord at a value specified by the Tenant and refused by such Landlord; and provided also, that the Tenant shall leave on the premises, in tenantable repair and condition, Buildings of such extent and such quality as existed at the commencement of the demise, or as such Tenant was bound to erect by any covenant in the expired lease, as the case may be. 5

And be it further Enacted, That it may be lawful for the Tenant to enter upon the premises at any time within *Three Months* after his eviction from such premises, for the purpose of removing such buildings, together with his workmen, labourers, horses and carts, free of trespass for so doing. 10

9.

Tenant cannot claim Compensation except he be in actual occupation.

And be it Enacted, That it shall not be lawful for any Tenant to claim compensation for buildings or improvements made on any premises, of which such Tenant is not in actual occupation at the time of making such claim, by residing on, tilling or grazing the same. 15

10.

Sub-tenant may claim from his immediate Landlord in case of being ejected by such Landlord.

And be it further Enacted, That any Sub-tenant may claim and obtain compensation from his immediate Landlord, in case of his being ejected by such Landlord, under the like conditions and limitations as those hereinbefore provided for the principal Tenant. 20

11.

Tenant shall not get Compensation for Buildings made after notice of ejectment, or notice to quit being served.

And be it Enacted, That it shall not be lawful for any Tenant to claim or obtain compensation for any buildings or improvements erected or executed after such Tenant having been served with notice of a declaration in ejectment, or notice to quit, and between the period of his being served with such notice and the period of his eviction from the premises, if such eviction shall take place under the proceedings so instituted. 25

12.

The benefits of this Act to be extended to Tenants who have held at will or from year to year.

And be it Enacted, That Tenants at will or from year to year, who, during the occupancy of their respective holdings, had improved in manner before described, may claim compensation by this Act, under the same limitations and provisions as Tenants holding by lease. 30

13.

If Award be given in favour of Tenant, and Tenant shall be ejected, may sue for amount in any Court, or if not exceeding 100 £. in Barrister's Court.

And be it Enacted, That in case an award of compensation be given against any Landlord, and such Landlord shall eject such Tenant by process of law, and shall not have paid the amount of such award, such Tenant may thereupon sue for the amount of such compensation so awarded by Civil Bill in the Assistant Barrister's Court for any sum not exceeding *One hundred Pounds*, or by Action of Debt in any superior Court for any larger sum; and the award of the Valutors, being duly proved, shall be sufficient evidence, and a decree shall be given thereon, and in such case the 35 40

The Award of Valutors shall be sufficient evidence.

the Landlord shall pay *double* costs of suit: Provided always, That in case any award of compensation shall have been given in manner and form hereinbefore provided, and in case, after such award has been given, the Tenant shall not be evicted from the premises, and an agreement shall be made between the Landlord and Tenant for a new lease, or for the Tenant to continue in occupancy of the premises, such new Tenancy shall be a waiver of all claims for the amount of any award which shall have been made against the Landlord, and shall be a full and perfect release in bar of any proceedings to recover the same in any Court, as hereinbefore provided.

Landlord to pay double costs.

An agreement for a new Tenancy shall be a release of all claim.

And be it Enacted, That with reference to all buildings or other improvements which shall be made after the *First* day of *August* next, and for which any Tenant shall desire to have the power of claiming compensation, and the amount proposed to be expended in such improvements shall exceed the sum of *One hundred* Pounds, the Tenant shall first cause a written notice to be served on his Landlord, which notice shall be according to the form in the Schedule hereunto annexed, and shall specify the nature, extent and cost of the proposed improvements, and which notice shall be delivered at the house or office of such Landlord, or the known Agent of such Landlord.

14.

With reference to Buildings or Improvements made after the First of August next.

If amount claimed exceeds 100*l*. Shall give notice to Landlord of intended Improvements

And be it further Enacted, That after the improvements so proposed have been completed, the Tenant shall register the same by lodging with the Clerk of the Peace of the county wherein the premises are situate a written document, in the form in the Schedule annexed, containing a statement of the amount expended, and the same shall be attested before the Barrister at some General Sessions of the Peace in and for the said county, and such document shall be lodged among the records of the county; and the Clerk of the Peace shall give a Certificate of such registry to the Tenant or any other person demanding the same, on payment of a fee of *One Shilling* for each such Certificate so demanded.

15.

When completed shall register a statement of the amount, &c. with the Clerk of the Peace for the county.

Clerk of the Peace shall give a Certificate.

And be it Enacted, That compensation shall not be allowed for any claim exceeding *One hundred* Pounds for buildings or other improvements made by any Tenant after the day before named, except such buildings or other improvements shall have been registered in manner and form hereinbefore required, or except such buildings or other improvements shall have been erected or executed by the express consent of the Landlord given in writing, which consent shall be produced and proved before the Valutors: Provided always, That nothing herein contained shall be construed to prevent Tenants under notice of ejectment or notice to quit from claiming

16.

Compensation shall not be allowed for claims above 100*l*. unless registered, or consent of Landlord be proven.

Nothing herein to prevent Tenants claiming Compensation under 100*l*. although not registered or consent not given:

compensation for buildings or improvements made after the date hereinbefore mentioned, the amount of which shall not exceed *One hundred Pounds*, although the same may not have been registered, or the consent of the Landlord may not have been proved : Provided always, That increased value shall be proved to the satisfaction of the Valutors in manner hereinbefore required and provided that it shall appear to the Valutors that such Tenants had held their lands at a rack-rent ; and provided that as respects buildings, Houses suitable to the reasonable wants of the Tenant had not been let to the Tenant on the premises at the commencement of his Tenancy, or afterwards erected at the cost of the Landlord.

Provided increased value proved :

Provided the Lands were held at Rack-rent :

Provided suitable Buildings were not let with the Lands, or afterwards erected by Landlord.

17.

Tenants from apprehension of expulsion induced to enter into engagements to improve.

Require protection against extortionable agreements.

Covenants for improvements hereafter made.

Must state the amount to be expended, and nature of improvements, and that valuable consideration had been allowed to the Tenant either in money advanced, or acquittance of rent due, or abatement of annual rent covenanted to be paid ; and to what amount such allowances had been made.

Valutors may inquire into the same, and if no allowance was made, or a fictitious one set forth ;

AND whereas under the existing circumstances of the great body of the occupying Tenants in Ireland, who, from the apprehension of being dispossessed of their respective holdings, and thereby reduced to destitution, have been and may hereafter be induced to enter into engagements beyond their means of fulfilling, and beyond what can fairly and justly be demanded from them : AND whereas it is just and expedient that a reasonable protection should be afforded against engagements of an excessive nature made under such circumstances ; BE it therefore Enacted, That when any lands or tenements in Ireland shall be holden by any lease or written agreement, which shall be entered into at any time after the *passing of this Act*, and which lease shall contain a covenant, binding the Tenant to erect buildings, or execute other improvements at his proper cost on the lands so demised, such covenant shall not be valid or binding in law, or shall not be sufficient to bar the claim of the Tenant to compensation, unless there shall be set forth therewith a statement of the amount of money required to be expended by the Tenant, and the purposes to which it should be applied, whether to the building of houses or to improvements of other descriptions ; and unless it shall also be set forth that the Tenant had received valuable consideration for entering into such covenant, and to what amount, either in the form of money paid or advanced, or by the release or discharge of any debt or arrear of rent previously due by the Tenant, or by reducing (in consideration of the proposed improvements) the rent conditioned to be paid below the annual value of the premises at the time of their being so let to the Tenant, and stating the amount of such reduction so made ; and in case such covenant shall be set up by the Landlord as a bar to the claim of the Tenant for compensation, it shall and may be lawful for the Valutors to inquire how far the conditions herein required have been complied with, and whether a real equivalent had been given for the undertaking agreed to on the part of the Tenant ; and if they shall find that the conditions as aforesaid have not been fulfilled, or that a fictitious remuneration has been

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been set forth, or that no real consideration had been given to the Tenant (notwithstanding the terms of the lease might import such to have been given), it shall and may be lawful for the Valuers in such case to decide on the claims of the Tenant as if no such
 5 covenants or conditions had existed, and to award compensation according to the provisions of this Act in all such cases and to such amount as they shall deem fair and just.

May award Compensation as if no Covenant for Improvement had existed.

AND whereas by sundry Acts passed by the Parliament of Ireland powers were given to the owners of estates seised in fee-tail or for
 10 life, or having only particular interests therein, to grant leases for lives renewable for ever of lands to be applied to the uses of building thereon mills, stores and houses for particular trades, manufactures or businesses therein mentioned: AND whereas it is expedient that provision should be made to facilitate the erection
 15 of mills in all cases wherein water power can be commanded on the falls of rivers for the working of machinery: AND whereas an Act was passed by the Parliament of Ireland in the fortieth year of the reign of his late Majesty King GEORGE the Third, empowering the owners of estates having only particular interests therein (as in the
 20 said Act more fully expressed) to grant leases as aforesaid of lands to be applied for the purposes of the cotton trade; BE it therefore Enacted, That the provisions of the said recited Act shall be extended to the leasing of lands for the purposes of erecting machinery and building houses and providing other accommodation
 25 for the carrying on of any trade, business or manufacture whatsoever, in all cases wherein water power can be commanded for the purposes of turning the machinery to be erected for the purposes of such trade, business or manufacture, and subject to the same conditions, limitations and provisions as in said recited Act contained, save and except that provision which limits the application
 30 of the Act to the purposes of carrying on the cotton trade only.

18.
 Recites Act of 40 Geo. 3. c. 90, empowering Owners for life or fee-tail, &c. to grant Leases for Cotton Mills; of lives renewable for ever.

Power to be extended to Buildings for all kinds of Manufactures where Water power can be commanded.

Subject to conditions and limitations in recited Act.

AND whereas it is expedient that in cases of Tenants committing dilapidation or waste, or leaving the lands in a deteriorated or exhausted condition at the termination of their lease, as compared
 35 with the state of the lands or tenements at the commencement of such lease; or injuring the interests of the Landlord by an improper subdivision of their farms, and introducing thereon a pauper Tenancy, or in any manner producing by their acts a reduction of value or of the annual profit to be derived to the
 40 Landlord from re-letting to a solvent Tenant: AND whereas the remedies provided by the existing laws against dilapidation by Tenants are difficult to enforce and frequently ineffective; BE it Enacted, That in all cases wherein any Landlord shall consider himself aggrieved as respects any of the matters before stated, such

19.
 Landlords may obtain Compensation for waste or injury done by Tenants, or by introducing a Pauper Tenancy on the Lands.

May serve Notice on Tenant, as provided in Clause 4, and on Under-Sheriff.

Valuators shall decide the same.

Found their Award on the calculation of annual loss sustained by Landlord.

Landlord may sue for amount of Award, as provided in Clause 13. If Landlord proceeds by any other Act for waste or dilapidation, not entitled to claims under this Act.

Circumstances which constitute a pauper Tenancy.

Not such, if they have made beneficial Improvements.

Landlord may recover the expenses of providing for such Tenants from the head Tenant, who sublets.

Landlord may enforce his claim for compensation by proceeding under the provisions of this Act against the Tenant who held immediately under him ; and such Landlord, on the expiration of the tenure of such Tenant, shall cause to be served on the Tenant a Notice of such claim, as provided in Clause Four, and also on 5 the Under-Sheriff of the county ; and the Valuators shall be appointed, and required to decide on such claim in the same manner as hereinbefore provided with reference to the claims of the Tenant ; and the Valuators shall found their decision on the calculation of the annual loss sustained by the Landlord in re-letting the premises 10 to a solvent Tenant, and shall make their award accordingly ; and in case counter-claims for compensation shall be made on the part of the Landlord and Tenant, the claims of both parties shall be submitted to the same Valuators, and the Valuators shall make such award as they shall deem just and fair between the parties ; 15 and in case the award shall be against the Tenant, and the Tenant shall not pay the amount so awarded, it shall and may be lawful for the Landlord to sue for and recover the same in like manner as provided in Clause Thirteen : Provided always, That no remedy shall be permitted to the Landlord under this Act in case he shall 20 have proceeded against the Tenant under the provisions of any other Act which is now or may hereafter be in force for the recovery of claims of a like nature, and a decision being made and recorded under this Act shall be a sufficient plea on the part of the Tenant against all subsequent proceedings under any other Law or 25 Act : Provided always, That in case of the subdivision or subletting of farms by the original Tenant, such subdivision or subletting shall not be construed as constituting a pauper Tenancy, or injuring the interests of the Landlord, so as to entitle him to compensation under this Act, if it appears that such Tenants have made perma- 30 nent improvements on their respective holdings, or that their lands and premises are in a reasonable state of condition and repair, and that such Occupiers have fairly discharged their rents to their immediate Landlord, and that they have supported themselves and families by their own industry, and have not received relief by 35 begging, or from any charitable fund for the relief of the poor ; but if it shall appear that a pauper Tenancy has been actually created by subdivision or subletting on the part of the original Tenant, then and in such case the Arbitrators or Jurors may award against such original Tenant compensation in proportion to 40 the expense which may be reasonably incurred by the Landlord in assisting, removing or otherwise providing for the wants of such pauper Tenancy, as well as in consideration of any deterioration in the condition of the farm or premises, by which the Landlord's interest may have been permanently injured : Provided always, That in any suit or proceedings to recover from the immediate Tenant,

Tenant, the amount of any award for such expenses as aforesaid, the Landlord shall be bound to show that he has incurred such expenses by payments actually made for the purposes stated, and the Landlord shall not be entitled to recover under the
 5 award any greater sum than the amount so proved to have been paid: And provided also, That in case of subdividing or subletting of farms by the original Tenant, such part holders or Sub-tenants who shall be so introduced at any time after the *First of August* next, shall become chargeable on any parish by any law which
 10 shall be hereafter enacted by Parliament for the relief of the poor, it shall and may be lawful for such parish to recover the expenses so incurred by process of law from the head Tenant who had so sublet or subdivided, unless such subletting had been done by the written consent of the head Landlord.

Parishes (if Paupers so introduced shall hereafter become chargeable thereon) may recover expenses from head Tenant, who sublets.

15 AND whereas by an Act passed in the tenth year of the reign of his Majesty GEORGE the Third, by which the heirs of entail in Scotland were permitted to charge the estates so entailed under certain limitations therein specified with money expended in the improvement of such estates: AND whereas great advantage in the
 20 improvement of that part of the United Kingdom has been derived therefrom: AND whereas by an Act passed in the first and second year of WILLIAM the Fourth, chapter thirty-three, powers were given to Owners of estates in Ireland, being Tenants in tail or for life, or others having only particular interest therein, to charge
 25 the lands of said estates with sums of money, to be applied (under the sanction of the Commissioners of the Board of Works appointed under the aforesaid Act) to the execution of certain public works therein specified, by which the value of such estates would be increased: AND whereas it is expedient that the powers
 30 given by the said Act should be extended, under certain limitations, to all other description of improvements, by which the value of such entailed estates might be increased; BE it Enacted, That in case Owners of estates, being Tenants in tail or Tenants
 35 for life, or having only particular interests of any other description in such estates (as more particularly described in the said recited Act) shall desire to expend money in draining, reclaiming, inclosing or otherwise improving such estates, or in building houses thereon, suitable to the purposes of the occupying Tenants residing on and cultivating such estates, it shall and may be lawful for such
 40 persons to submit to the aforesaid Commissioners a statement of such intended improvements, and of the amount proposed to be so expended; and such Commissioners shall take such means as they shall deem fit, to examine into the propriety and utility of such works, and if they shall be of opinion that the works proposed are of a nature calculated to increase the real value of the estate, it

20.

Refer to the Act of Geo. 3. c. 5, for the relief of the Heir of Entail in Scotland.

Also to the 1st & 2d Will. 4. c. 33, which gives power to Tenants for life, &c. to raise Money to be applied to Public Works, such as would benefit Estates, and to charge the Lands therewith.

Expedient to extend these powers to beneficial improvements of every description.

Owners being Tenants for life, or in fee-tail, &c. desiring to improve, shall submit proportion and estimate of Expense to the Commissioners of Public Works.

If Commissioners approve they may give authority for proceeding therewith.

Amount expended to be proved on oath before the Commissioners.

Works to be examined, and if approved Commissioners to give authority to charge on the estate a portion not exceeding Three-fourths of the sum expended.

Subject to all conditions in said recited Act.

shall and may be lawful for the said Commissioners to give authority to such owners to proceed to carry the said works into effect; and such owners shall afterwards prove the amount expended on oath before the said Commissioners; and the said Commissioners shall cause the works to be inspected, and if they shall approve the execution of the same, they shall give authority to the owners having such limited or particular interest therein as before described, to charge upon such estate, by indentures under their hands and seals, from time to time, any sum or sums which have been so expended and approved of by the said Commissioners, not exceeding *Three-fourths* of the whole sum or sums so expended, the sanction and consent of the said Commissioners being declared by one of such Commissioners being an executing party to such indenture or indentures, in like manner as in the aforesaid Act required, and also subject to the other conditions in said Act mentioned with reference to the nature and terms of the securities and the discharge of the same, as well as to the discharge of the interest which shall accrue thereon.

21.

Amount charged on Estate shall not exceed Three Years' income of the then existing Rent-roll.

Provided always, That it shall not be lawful for the Commissioners to give consent for charging the estate with a larger sum than the amount of *Three Years'* income of the then existing rent-roll of such estate.

The SCHEDULE to which this Act refers.

No. 1.

FORM of NOTICE.

I, A. B., having been served on the day of
last with Notice of a Declaration in ejectment [or, Notice to quit or to pay an advanced rent, as the case may be,] on the part of my Landlord C. D., do hereby give Notice that I claim compensation for Buildings [or, Improvements, as the case may be,] to the amount of made on my farm, held under the aforesaid C. D. in the parish of barony of county of and that I will take proceedings to have such claim ascertained and proved before Valuers, at the General Sessions of the Peace to be holden in and for said county, at on the day of next.
Dated A. B.
To C. D. [Landlord's name and address.]

by any lesser punishment, shall be entitled to insist on liberation on Bail; without prejudice nevertheless to the liberation of any such Person as heretofore, on such Bail as the Public Prosecutor may agree to.

2.
High Court of
Justiciary may
admit to bail.

Provided always, and be it Enacted, That it shall be in the power of the High Court or Circuit Court of Justiciary in Scotland respectively, on the application of any Person accused of Letter Stealing, or other crime or offence against the Post Office aforesaid, or any crime or offence, formerly capital, but now punishable by any lesser punishment than death, to admit such Person to bail; provided that it shall appear to the Court to which such application is made, to be consistent with the ends of justice so to do; and the Bail to be taken shall be of such amount as such Court shall in the circumstances of the case think necessary for insuring the appearance for Trial of the Person accused; any Act or Acts of Parliament, or any law or practice in Scotland, in anywise to the contrary notwithstanding.

3.
Act may be
altered.

And be it Enacted, That this Act may be repealed or altered by any Act or Acts to be passed in the present Session of Parliament.

Letter Stealing (Scotland.)

A

B I L L

To provide that Persons in Scotland accused of Letter Stealing, and certain other Crimes or Offences, shall not be entitled to Liberation on Bail, unless in certain cases.

(Prepared and brought in by
The Lord Advocate and Mr. Attorney General.)

Ordered, by The House of Commons, to be Printed,
4 March 1836.

8 February 1836.—6 WILL. IV.



A

B I L L

For vesting Lighthouses and Lights on the Coasts of England,
in the Corporation of Trinity House of Deptford Strond,
and for making Provisions respecting Lighthouses, Lights,
Buoys, Beacons and Sea-marks, and the Tolls and Duties
payable in respect thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS by far the greater number of the Lighthouses and Preamble.
Floating Lights erected and placed in and upon the Sea Shores
and the Coasts and Forelands of England, and the Islands, Rocks and
other places adjoining or near thereto, for the protection and guidance of
Ships and Vessels navigating the British Seas, or passing by and along
or near to the said Coasts, belong to or are under the control and
management of the Master, Wardens and Assistants of the Guild,
Fraternity or Brotherhood of the most Glorious and Undivided Trinity,
and of Saint Clement, in the parish of Deptford Strond, in the county
of Kent, commonly called the Corporation of Trinity House of Dept-
ford Strond, as well under and by virtue of a certain Act of Parliament
made and passed in the eighth year of the reign of her late Majesty
Queen ELIZABETH, intituled, “An Act concerning Sea Marks and
Mariners,” as under and by virtue of divers ancient Grants and Charters,
and particularly of a certain ancient Grant dated the eleventh day of
June, in the thirty-sixth year of the reign of her said late Majesty,
Queen ELIZABETH, whereby her said late Majesty granted to and
vested in the said Master, Wardens and Assistants of the said Cor-
poration the Beaconage and Buoyage, and the office of Beaconage and
Buoyage, upon the surrender thereof, into the hands of her said late
Majesty by Charles Lord Howard, Baron of Effingham, then being her
said Majesty’s Great Admiral of England; and the said Master,
Wardens

8 Eliz. c. 13.
36 Eliz.

Wardens and Assistants are entitled to erect and maintain from time to time such and so many Beacons, Marks and Signs for the Sea in such place or places of the Sea Shores and Uplands near the Sea Coasts or Forelands of the Sea as to them shall seem most meet, needful and requisite, whereby dangers may be avoided and escaped, and Ships the better come to their Ports without peril : 5

And whereas certain other Lighthouses, erected and placed as aforesaid are under the separate control and management of divers individuals as the Proprietors or Lessees thereof; (that is to say) the Lighthouse upon the Island Rock called Skerries, in Saint George's Channel, under the control and management of Morgan Jones, esquire, acting under and by virtue of an Act of Parliament passed in the third year of the reign of his late Majesty King GEORGE the Second, intituled, " An Act for confirming a Patent granted by her late Majesty Queen ANNE to William Trench, esquire, deceased, for erecting a Lighthouse upon the Island or Rock called ' Skerries,' and for the better maintenance of the said Lighthouse, and for making the Duties granted for maintaining the same perpetual ;" the Lighthouses near the Spurn Point at the mouth of the River Humber under the control and management of Benedict John Angell Angell, esquire, and George Lowther Thompson, esquire, acting under and by virtue of an Act of Parliament passed in the sixth year of the reign of his late Majesty King GEORGE the Third, intituled, " An Act for taking down and removing certain Lighthouses now standing near the ' Spurn Point,' at the mouth of the Humber, and for erecting other fit and convenient Lighthouses instead thereof;" and an Act passed in the twelfth year of the reign of his said late Majesty King GEORGE the Third, intituled, " An Act to explain and amend an Act passed in the sixth year of his present Majesty, intituled, ' An Act for taking down and removing certain Lighthouses now standing near the Spurn Point at the mouth of the Humber, and for erecting other fit and convenient Lighthouses instead thereof ;'" the Lighthouse at Tinmouth, in the county of Northumberland, under the control and management of William Powke, esquire, acting under and by virtue of an Act of Parliament passed in the forty-second year of the reign of his said late Majesty King GEORGE the Third, intituled, " An Act for improving the Tinmouth Castle Lighthouse and Light, and for authorizing additional Light Duties in respect of such Improvement;" the Lighthouse at Harwich, in the county of Essex, under the control and management of Lieutenant-General Francis Slater Rebow, under or by virtue of a Lease from the Crown, subject to a certain rent or payment in respect thereof; the Lighthouse at Dungeness, in the county of Kent, under the control and management of Thomas William Coke, esquire, under or by virtue of a like Lease from the Crown, subject as aforesaid; the Lighthouses at Wintertonness, in the county of Norfolk, and Orfordness, in the county of Suffolk, under the control and management

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Skerrie's Light.
3 G. 2, c. 36.
Spurn Lights.
6 G. 3, c. 31.
12 G. 3, c. 29.
Tinmouth Castle Light.
42 G. 3, c. 43.
Harwich.
Dungeness.
Wintertonness.
Orfordness.

management of the Right honourable Richard Griffin Lord Braybrooke, under or by virtue of a like Lease from the Crown, subject as aforesaid ; the Lighthouse at Hunstanton Cliff, in the county of Norfolk, under the control and management of Samuel Lane, esquire, under or by virtue
 5 of a like Lease from the Crown, subject as aforesaid ; and the Lighthouse on the Rock called the Smalls, in Saint George's Channel, under the control and management of Mistress Elizabeth Buchanan and T P Clarke, esquire, under or by virtue of a Lease from the said Master, Wardens and Assistants of the Corporation of
 10 Trinity House, subject to a certain rent payable in respect thereof ; and the Lighthouse on the Rock called the Longships, on the coast of Cornwall, is held by Henry Pascoe Smith, esquire, under or by virtue of a like Lease from the said Master, Wardens and Assistants :

Hunstanton
Cliff.

Smalls.

Longships.

And whereas, by an Act of Parliament passed in the third year of
 15 the reign of his late Majesty King GEORGE the Fourth, intituled, " An Act for (among other things) enabling the Corporation of Trinity House of Deptford Strond to reduce, alter, modify, relinquish or abolish dues payable to the said Corporation, and for other purposes connected therewith," it was enacted, that it should be lawful for the Master, Wardens
 20 and Assistants for the time being of the said Corporation, and they were thereby authorized and empowered, with and out of any surplus monies in their hands, or which might at any time thereafter be in their hands, arising from any Rates, Prices, Dues, Duties and Tolls theretofore collected, taken, levied and received, or which might thereafter be
 25 collected, taken, levied and received, to purchase any Beacons, Buoy, Lighthouses or other Marks and Signs for the Sea, or any interest therein, or in any Dues, Duties or Tolls arising therefrom, belonging to any body or bodies corporate or politic, or to any person or persons ; and that it should be lawful for all such bodies or persons, and all other
 30 persons whomsoever who were or should be possessed of or interested in any Beacons, Buoy, Lighthouses and other Marks and Signs for the Sea, or in any Dues, Duties or Tolls arising therefrom, to treat, contract and agree with the said Master, Wardens and Assistants for the sale thereof, and by conveyance, lease and release, or bargain and sale,
 35 to sell and convey the same unto the said Master, Wardens and Assistants :

3 G. 4, c. 111.

And whereas under and by virtue of the powers of the said last-mentioned Act, the said Master, Wardens and Assistants have purchased certain estates and interests in Lighthouses, and Tolls or Duties
 40 from parties possessed thereof, who were willing to sell the same for such prices as the said Master, Wardens and Assistants thought fair and proper :

And whereas there are also divers other Lights exhibited in and near to certain Ports, Harbours and places on the Coasts of England,

for the guidance of Ships and Vessels entering or resorting to such Ports, Harbours and places respectively, and sometimes called Local or Harbour Lights, which said last-mentioned Lights are under the control and management of Commissioners, Trustees and other local Officers and Persons :

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And whereas in order to the attainment of uniformity of system in the management of Lighthouses and Lights, and the reduction and equalization of the Tolls or Duties payable in respect thereof, it is expedient that all the said Lighthouses and Lights for the protection and guidance of Ships and Vessels navigating the British Seas, or passing by and along or near to the Coasts of England, should be under the control and management of, and be vested in, the said Master, Wardens and Assistants :

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And whereas in order to prevent accidents which may arise from Local or Harbour Lights being mistaken for Coast Lights, it is expedient that the said several Local or Harbour Lights should be made subject to the control and supervision of the said Master, Wardens and Assistants :

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And whereas the objects aforesaid cannot be effected without the Authority of Parliament :

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1.
Lighthouses,
&c. and the
Land whereon
the same
stand, vested
in the Master,
Wardens and
Assistants of
the Trinity
House

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, all and every the several Lighthouses and Lights, Beacons, Marks and Sigus for the Sea, mentioned in the Schedule hereto annexed; (that is to say) the said Lighthouse upon the Island Rock called Skerries, in Saint George's Channel, the said Lighthouses near the Spurn Point, at the mouth of the River Humber, the said Lighthouse at Tinmouth, in the county of Northumberland; the said several Lighthouses at Harwich, in the county of Essex, at Dungeness, in the county of Kent, at Wintertonness, in the county of Norfolk, at Orfordness, in the county of Suffolk, and at Hunstanton Cliff, in the county of Norfolk; the said Lighthouse on the rock called the Smalls, in Saint George's Channel, and the said Lighthouse on the Rock called the Longships, on the Coast of Cornwall, and the land whereon the same Lighthouses and Lights, Beacons Marks and Signs for the Sea respectively stand, and the buildings, land and appurtenances thereunto respectively belonging, or respectively occupied for the purposes thereof, and the fixtures, apparatus and furniture thereunto respectively belonging, shall vest and remain in the said Master, Wardens and Assistants of the Corporation of Trinity House of Deptford Strond, and their successors for ever, and all and every the Tolls or Duties now payable for

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for or in respect of the same respectively, shall be and the same are hereby vested in, and from henceforth for ever shall be and continue payable to the said Master, Wardens and Assistants, and their successors, freed and discharged of and from all former and other estates, rights or interests of what nature or kind soever, in possession, reversion or remainder, therein or thereto, whether on the part of His Majesty, His heirs or successors, or of any other person or persons, body or bodies politic or corporate whatsoever; nevertheless as to the Tolls or Duties from time to time to be received by the said Master, Wardens and Assistants, for or in respect of any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, upon trust that they the said Master, Wardens and Assistants, after first deducting the commission paid for collecting such Tolls or Duties, at the same rates as shall have been allowed to the respective collectors thereof, immediately before the passing of this Act, and also the expense of maintaining such Lighthouse or Light, Beacon, Mark or Sign for the Sea, shall and do pay the same over to such person or persons respectively, as immediately before the passing of this Act, was or were lawfully entitled to receive the same, according to their several estates, rights and interests in possession, reversion, remainder, or otherwise, until the purchase money or compensation for such estates, rights and interests respectively so to be agreed upon or assessed, as hereinafter mentioned shall be paid; and from and after the time when such payment or payments as aforesaid shall have been made, for or in respect of any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, land, buildings, fixtures, apparatus, furniture, tolls or duties, or for or in respect of any such estate, right or interest therein or thereto, then and from thenceforth that they the said Master, Wardens and Assistants shall and do apply and dispose of such Tolls or Duties in such and the same manner, and to such and the same purposes as other the like Tolls or Duties now payable to the said Master, Wardens and Assistants.

But the Tolls to be paid to the present Owners, until Purchases completed.

Provided always, and be it further Enacted, That where any rent, rent-charge, debt, annuity or payment (other than and except the rents or payments reserved or made payable to or for the use of His Majesty, His heirs and successors as aforesaid, in respect of the said several Lighthouses at Harwich, Dungeness, Wintertonness, Orfordness and Hunstanton Cliff), shall be legally charged upon any Lighthouse or Light, Beacon, Mark or Sign for the Sea, hereby vested in the said Master, Wardens and Assistants, or on the Tolls or Duties payable in respect thereof, or where any sum or sums of money shall have been advanced by any person or persons, body or bodies politic or corporate, upon the security and credit of any such Lighthouse or Light Beacon, Mark or Sign for the Sea Tolls or Duties, then and in every such case; such Lighthouse or Light, Beacon, Mark or Sign for the Sea, and the Tolls or Duties to be from time to time payable in respect

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Debts charged on the Lighthouses, &c. or the Duties in respect thereof, to be still charged thereon.

thereof shall remain subject to and charged with such rent, rent-charge, debt, annuity or payment, sum or sums of money and interest thereon, or so much thereof as shall be remaining unpaid at the time of the passing of this Act, and interest thereon, unless and until the said Master, Wardens and Assistants shall have purchased or redeemed the same rent, rent-charge, annuity or payment, or paid off such debt or sum or sums of money under the authority of this Act; and every person or body politic or corporate to whom any such rent, rent-charge, payment or annuity, sum or sums of money or interest (except as aforesaid) shall be payable, shall from and after the *passing of this Act*, and until such rent, rent-charge, payment or annuity shall have been so purchased or redeemed, or such debt or sum or sums of money have been so paid off as aforesaid have such and the like means of enforcing his her or their security against the said Toll or Duty to be from time to time collected by the said Master, Wardens and Assistants in respect of any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, as he she or they could or might have had if this Act had not been passed, against the Tolls or Duties now payable in respect thereof: Provided always, That no such person or persons, body or bodies politic or corporate shall by reason of any such security have or exercise any power of controlling or managing or interfering in the control or management of any such Lighthouse or Light, Beacon, Mark or Sign for the Sea; but all and every such Lighthouses, Lights, Beacons, Marks or Signs for the Sea, for and notwithstanding any such security shall remain for ever hereafter under the full and sole control and management of the said Master, Wardens and Assistants, and their successors.

3.
Rents or other
Payments to
the Crown, on
the Harwich,
Dungeness,
Winterton-
ness, Orford-
ness and
Hunstanton
Cliff Light-
houses, extin-
guished.

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Provided also, and be it further Enacted, That the said several rents or payments payable to or for the use of His said Majesty, His heirs or successors, in respect of the said several Lighthouses and Lights, Beacons, Marks or Signs for the Sea, at Harwich, Dungeness, Winter-tonness, Orfordness and Hunstanton Cliff respectively, shall from and after the cease to be payable, and are hereby extinguished.

4.
Corporation
to have imme-
diate posses-
sion of the
Lighthouses.

And be it further Enacted, That it shall be lawful for the said Master, Wardens and Assistants, from and immediately after the
to enter into and upon, and take and have complete and entire possession of all and every the said Lighthouses and Lights, Beacons, Marks and Signs for the Sea, hereby vested in them, and the land whereon the same respectively stand, and the buildings lands and appurtenances thereunto so respectively belonging, or so respectively occupied for the purposes thereof, and the fixtures, apparatus and furniture so thereunto belonging, and thenceforth for ever to have receive and take the Tolls or Duties payable in respect thereof, together

together with full power and authority for the said Master, Wardens and Assistants, their engineers, workmen and servants, and with horses, carts and carriages or otherwise, from time to time and at all times, to enter pass and return into, upon, over and from any lands adjoining
 5 or leading to any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, as occasion shall require, and to deposit thereon and there to keep, make up and use any materials which shall from time to time be necessary or required in for or about the repairing, taking down, altering or rebuilding any such Lighthouse, Beacon, Mark or Sign for the Sea, or
 10 otherwise carrying into effect the purposes of this Act, they the said Master, Wardens and Assistants, their engineers, workmen and servants aforesaid doing no unnecessary damage on those occasions.

And be it further Enacted, That it shall be lawful for the said Master, Wardens and Assistants from and out of the Tolls or Duties
 15 which shall be received by them under the authority of this Act, to allow and pay to any of the clerks or other officers or servants now employed in respect or on account of any of the Lighthouses or Lights, Beacons, Marks or Signs for the Sea, hereby vested in the said Master, Wardens and Assistants, and whom the said Master, Wardens
 20 and Assistants may not have occasion to retain in their said offices, such reasonable pension or allowance by way of annual or quarterly payments as to the said Master, Wardens and Assistants shall seem proper: Provided always, That no such pension or allowance to be so allowed and paid to any such clerk or other officer or servant under the
 25 authority of this Act, shall exceed the proportion with reference to the amount of his salary and the time of his service, granted as a superannuation allowance to officers and clerks in the public service, under an Act passed in the fourth and fifth years of the reign of His present Majesty King WILLIAM the Fourth, intituled, "An Act to alter,
 30 amend and consolidate the Laws for regulating the Pensions, Compensations and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's service."

5.
Compensation
to Officers, &c.
discharged.

AND whereas there hath for a long series of years been a Light-
 35 house upon the Island of Heligoland, and a Light exhibited therefrom for the protection and guidance of ships and vessels navigating the German Ocean, or entering or departing from the Rivers Elbe and Weser, and such Lighthouse was in or about the year One thousand eight hundred and ten rebuilt by His Majesty's Government: AND
 40 whereas a Floating Light was established by the said Government in or about the year One thousand eight hundred on Bembridge Edge, in the English Channel, and the said Lighthouse and Light have since those times been respectively maintained by and at the costs of the said Government; BE it therefore further Enacted, That from

6.
Vesting the
Lighthouse at
Heligoland,
and the Bem-
bridge Light,
in the Trinity
House.

and after the *passing of this Act* the said Lighthouse at Heligoland, with the land, buildings and appurtenances thereunto belonging, or occupied for the purpose thereof, and all the fixtures, apparatus and furniture respectively belonging thereto, and the Floating Light on Bembridge Lodge aforesaid, with the ship or vessel from which the same is exhibited, and the tackle, furniture and stores belonging to the said ship or vessel, together with the furniture and apparatus of and belonging to the said Floating Light, shall become the property of and absolutely vest in the said Master, Wardens and Assistants and their successors; and the said Master, Wardens and Assistants shall from thenceforth be deemed to be in the actual occupation thereof, freed and discharged of and from all former and other estates, rights, titles, interests, claims and demands whatsoever of His Majesty, His heirs or successors, or any other Person or Persons whomsoever in or to the same, and the maintenance, control and management of the said Lighthouse and Floating Light, shall from thenceforth be and continue in the said Master, Wardens and Assistants in such and the same manner as the several Lighthouses and Floating Lights now belonging to them.

7.
Duties to be
taken in re-
spect of the
Heligoland
Light.

AND whereas the said Lighthouse upon the Island of Heligoland is at present maintained at a considerable expense to His Majesty's Government, by reason that no Toll or Duty is collected in respect thereof upon Foreign Ships and Vessels, although such Ships and Vessels derive great benefit therefrom, and it is expedient to make better provision for defraying the expense of maintaining the said Lighthouse; BE it therefore further Enacted, That from and after

the several Tolls or Duties now levied and taken for or in respect of the said Light so exhibited on the said Island of Heligoland as aforesaid, shall cease and determine, and be no longer received or taken, and that in lieu thereof it shall be lawful for the said Master, Wardens and Assistants, and they are hereby authorized, from and after the said

from time to time to receive and take for and towards the maintenance of the said Lighthouse, and the exhibition of a fit and proper Light therefrom the sum of per ton upon and for every vessel (not belonging to His Majesty, His heirs and successors) for each time that such vessel shall depart from any port or place within the United Kingdom of Great Britain and Ireland, to any port or place at, within or near to the entrance of the Rivers Elbe and Weser, or either of them; and the like Toll or Duty upon every vessel (not belonging to His said Majesty, His heirs and successors) for each time that such vessel shall arrive at any port or place within the said United Kingdom from any port or place at, within or near to the entrance of the said Rivers, or either of them.

AND

8.

Duties for the North and South Foreland Lights to vest in the Trinity House, discharged of the Rent to the Crown.

AND whereas the said Master, Wardens and Assistants are seised in fee of the Lighthouses at the North and South Forelands, in the County of Kent, and the Land occupied therewith; and the said Master, Wardens and Assistants are entitled to receive certain Tolls or
 5 Duties in respect thereof under a Warrant for a Lease from the Crown, subject to the payment of a certain rent or annual sum in respect thereof; BE it further Enacted, That from and after the *passing of this Act*, all and every the Tolls or Duties now payable in respect of the said Lighthouses, shall be vested in the said Master, Wardens and
 10 Assistants, and their successors, freed and discharged from the said rent or annual sum, and shall from thenceforth continue to be payable to and receivable by the said Master, Wardens and Assistants, in such and the same manner, and by such and the same ways and means as other the like Tolls or Duties are now payable to the said Master,
 15 Wardens and Assistants.

9.

The Corporation empowered to purchase the Lighthouses, &c.

And be it further Enacted, That it shall and may be lawful for the said Master, Wardens and Assistants, and they are hereby authorized and empowered to treat and agree with all or any of the owners or proprietors of, and persons interested in or hereinafter capacitated to contract and agree for the sale of the Lighthouses and Lights, Beacons,
 20 Marks and Signs for the Sea in the said Schedule to this Act mentioned, and the land whereon the same respectively stand, and the buildings, lands and appurtenances thereunto belonging or occupied for the purposes of the same respectively, and the fixtures, apparatus and furniture thereunto belonging, and the tolls or duties payable in respect
 25 thereof, and of all rents, rent-charges, annuities or payments charged thereon, or payable in respect thereof, (other than the said rents or payments hereby extinguished as aforesaid), for the absolute purchase thereof, and of all or any estates and interests therein for such purchase money or compensation as hereinafter mentioned, and for that purpose
 30 the said Master, Wardens and Assistants shall, and they are hereby required within next after the passing of this Act, to cause public notice to be given of such tenor, and in such form as they shall think fit, for the purpose of having the estates, rights and interests to be purchased or paid for in pursuance of this
 35 Act ascertained, and the amount of the purchase money or compensation claimed or required for or in respect of the same settled, such notice, to be published in the London Gazette and in one of the provincial newspapers circulated within the county in which or near whereto such Lighthouse, or Light, Beacon, Mark or Sign for the Sea shall be
 40 situate, and a copy of the same notice to be also affixed upon such Lighthouse or Light, Beacon, Mark or Sign for the Sea; and it shall be lawful for all corporations and for all tenants for life or in tail, or any other partial or qualified estate or interest, husbands, guardians,

7.

B

trustees,

trustees or feoffees in trust for charitable or other purposes, executors,
 administrators, committees and all trustees, and other persons whom-
 soever, not only for and on behalf of themselves and their own respective
 heirs, executors, administrators and successors, but also for and on
 behalf of every person entitled in reversion, remainder or contingency 5
 after them, if incapacitated; and as to such husbands and guardians
 also for and on behalf of their respective wives and wards; and as to
 such committees also for and on behalf of the lunatics and idiots, of
 whom they shall be the committees respectively; and as to all such
 corporations, tenants, trustees and feoffees in trust, executors, ad- 10
 ministrators and other persons as aforesaid, also for and on behalf of
 their cestuique trusts, whether infants, issue unborn, lunatics, femmes
 covert or other persons, and for all femmes covert in the same manner as
 if they were sole and unmarried, seised, possessed of or interested in
 their own right, whether in fee simple, fee tail or for life or years or 15
 otherwise, or entitled to dower or any other interest in, and for all
 other persons whomsoever who at or immediately before the making
 of this Act, were seised or possessed of, or entitled to or interested in
 any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands,
 buildings, fixtures, apparatus, furniture, tolls or duties, or in any rent, 20
 rent-charge, annuity, payment or incumbrance thereon or thereout,
 (other than the said rents or payments so hereby extinguished as afore-
 said), to contract and agree with the said Master, Wardens and
 Assistants for the absolute sale of any such Lighthouse, Light, Beacon,
 Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furni- 25
 ture, tolls or duties, rent, rent-charge, payment, annuity or incumbrance,
 or any such estate or interest therein respectively for such purchase
 money or compensation, as to the contracting parties shall seem
 expedient and reasonable; and all such contracts and agreements shall
 be valid and effectual in the law to all intents and purposes whatso- 30
 ever, and may be effectuated or confirmed in any manner which the
 forms of the law may admit; and for the purpose only of every such
 contract, agreement and sale, and for preventing any question or
 dispute respecting the validity thereof, by reason of any want or
 defectiveness of title in the party making the same, the person or 35
 persons who shall have been or shall be in possession of any such
 Lighthouse or Light, Beacon, Mark or Sign for the Sea, or of the
 rents and profits thereof, or the tolls or duties payable for or in respect
 of the same, at the time from which the purchase thereof respectively
 shall take effect; and all persons claiming under such persons or under 40
 or consistently with the possession of such persons, shall be deemed to
 have been or to be lawfully entitled to such Lighthouse or Light,
 Beacon, Mark or Sign for the Sea, and the land whereon such Light-
 house or Light, Beacon, Mark or Sign for the Sea stands, and the
 lands and buildings thereunto belonging, or occupied for the purposes of
 the

the same, and of the fixtures, apparatus and furniture thereunto belonging, together with the tolls or duties payable in respect of the same according to such possession.

10.

Misnomers
not to prevent
the execution
of this Act.

And be it further Enacted, That if the names or descriptions of any
5 of the Lighthouses, or Lights, Beacons, Marks or Signs for the Sea
mentioned or referred to in this Act, or in the Schedule hereto, or of
any of the Persons stated or described to be the owner or owners, lessee
or lessees thereof, or of any other Person interested therein, or in the
tolls or duties payable in respect thereof, shall happen to be mis-stated,
10 omitted, or incorrectly described in this Act, or in the Schedule thereto,
and it shall appear to any *Two* Justices of the Peace for the county in
or nearest to which any such Lighthouse or Light, Beacon, Mark or
Sign for the Sea shall be situate, and it shall be certified in writing under
their hands that any such mis-statement, omission or incorrect descrip-
15 tion proceeded from mistake, such mis-statement, omission or incorrect
description shall not prevent or retard the execution of this Act, but
such Lighthouse or Light, Beacon, Mark or Sign for the Sea shall
be vested in and taken possession of by the said Master, Wardens and
Assistants, for the purposes of this Act, as fully and effectually as if the
20 names and descriptions of the same, and of the owner or owners, lessee
or lessees thereof, or other persons interested therein, were properly
stated, inserted and described in this Act, or in the said Schedule
thereto.

11.

Manner of
Proceeding
where the
Parties cannot
agree, or by
absence, &c.
shall be pre-
vented from
treating.

AND for settling all differences which may arise between the said
25 Master, Wardens and Assistants, and the several Owners of or Persons
interested in any such Lighthouses or Lights, Beacons, Marks or Signs
for the Sea in the said Schedule hereto mentioned, or the lands, buildings,
fixtures, apparatus or furniture, tolls or duties payable in respect thereof,
or of or in any such rent, rent-charge, annuity, payment or incumbrance
30 (other than the said rents or payments hereby extinguished, as afore-
said); BE it further Enacted, That if any corporation, trustee or other
person so interested or entitled and capacitated to sell, contract or agree
as aforesaid, shall not agree with the said Master, Wardens and Assist-
ants, as to the amount of such purchase-money or satisfaction, or if any
35 of the Parties entitled to receive such purchase-money or satisfaction
shall refuse to accept such purchase-money or satisfaction as shall be
offered by the said Master, Wardens and Assistants, and shall give
notice thereof in writing to the said Master, Wardens and Assistants, by
leaving the same at the Trinity House in London within *Thirty* days
40 next after such offer shall have been made, and the Party giving such
notice shall therein request that the matter in dispute may be submitted
to the determination of a jury; or if any of such Parties as aforesaid shall,
for the space of *Thirty* days next after such public notice as aforesaid
shall have been affixed, published and given, as hereinbefore mentioned,

neglect or refuse to treat, or shall not agree, or by reason of absence or other cause shall be prevented from treating with the said Master, Wardens and Assistants for the sale of such their respective estates and interests, or the respective estates and interests which they respectively are hereby capacitated to sell therein, or shall, by reason of any impediment or disability not provided for by this Act, be incapable of effectually making such agreement or sale thereof, or shall not disclose and prove the state of the title to the premises of which they respectively may have been in possession, at the time possession shall have been taken thereof under the powers of this Act, or which they respectively claim to be entitled unto or interested in, or in case the said Master, Wardens and Assistants shall not, within the period of *Three* calendar months next after the expiration of such notice as aforesaid, have ascertained to their satisfaction in whom any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands or buildings, fixtures, apparatus or furniture, tolls or duties, estate or interest, rent, rent-charge, annuity, payment or incumbrance, were lawfully vested at or immediately before the passing of this Act, or who was or were the Person or Persons entitled or by this Act capacitated to sell, contract or agree as aforesaid, then and in every such case the said Master, Wardens and Assistants shall and they are hereby required from time to time to issue a warrant or precept, under their common seal, or the hand of their Secretary for the time being, to the Sheriff of the county wherein or next whereunto any such Lighthouse or Light, Beacon, Mark or Sign for the Sea shall be situate, requiring him to summon, return and impanel, and the said Sheriff is hereby accordingly empowered and required to summon, return and impanel a Jury of not less than *Twenty-four* sufficient and indifferent men, qualified according to the laws of this realm, to serve on special juries for trials of issues in His Majesty's Courts of Record at Westminster; and the Persons so to be summoned, returned and impanelled are hereby required to appear before the said Sheriff or his Under-sheriff, at such time and place, within the said county, as in such warrant or precept shall be appointed, and to attend from day to day until duly discharged; and out of the Persons so to be summoned, returned and impanelled, or out of such of them as shall appear, a jury of Twelve men shall be impanelled by the said Sheriff or Under-sheriff, or by some Person to be by them respectively appointed, in such manner as special juries for trials of issues joined in His Majesty's Courts of Record at Westminster are by law directed to be impanelled; and all parties concerned may have their lawful challenges against any of the said jurymen, but shall not challenge the array; and the said Sheriff or Under-sheriff is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as witnesses touching the matters in question, and shall and may use all such other lawful ways and means as well for his own as for the said Jury's better information,

information, as shall be requisite in the premises ; and such Jury shall, upon their oaths, or being Quakers, upon their solemn affirmation (which oaths and solemn affirmations, as well as the oaths and solemn affirmations of all Persons who shall be called upon to give evidence, the said Sheriff or Under-sheriff is hereby empowered and required to administer), inquire of and assess and give a verdict for the true and real value of such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, or the true or real value of any estates or interests therein, and of any such rent, rent-charge, annuity, payment or incumbrance thereon or thereout, as may be the occasion or subject of such inquiry ; and the said Sheriff or Under-sheriff shall accordingly give judgment for such purchase monies or satisfactions, purchase money or satisfaction, as shall be assessed and settled by such Jury ; which said verdict, and the judgment thereon to be pronounced as aforesaid, shall be binding and conclusive, to all intents and purposes, upon all corporations and persons whatsoever : Provided always, That not less than *Forty-two* days' notice in writing of the time and place at which such Jury are so required to be returned shall be given by or on the part of the said Master, Wardens and Assistants to the party with whom any such controversy shall arise, by causing the same to be published in The London Gazette, and in such Provincial Newspaper as aforesaid, and also to be affixed upon the Lighthouses or Lights, Beacons, Marks or Signs for the Sea, in respect of which such inquiry shall be had : Provided also, That in every proceeding before any such Jury as aforesaid, the Party claiming such purchase money or compensation shall be deemed to be the Plaintiff, and the said Master, Wardens and Assistants the Defendants.

And be it further Enacted, That in case a sufficient Jury to take the inquisition shall not appear upon the return of the said warrant or precept, it shall be lawful for the said Sheriff or Under-sheriff, and he is hereby required from time to time, until a sufficient Jury shall have been obtained by the means aforesaid, to adjourn the inquiry to any future day not exceeding *Fourteen* days, nor less than *Four* days from the adjournment thereof ; and when a sufficient number of Jurors shall appear, he shall proceed to swear and impanel *Twelve* of whom, who shall inquire as aforesaid.

12.
In default of
Jurors, Sheriff
to adjourn the
Inquiry.

Provided always, and be it further Enacted, That no Person shall be summoned or chosen to be of such Jury who shall be an owner of or possess any estate or interest, directly or indirectly, in any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus or furniture, rent, rent-charge, payment, annuity or incumbrance so to be purchased or taken under the provisions of this Act, or in any such tolls or duties payable in respect of such Lighthouse or Light, Beacon, Mark or Sign for the Sea.

13.
Persons
interested in
the Lights,
not to be
Jurymen.

14.
No Person to
be heard upon
the Inquiry
without
giving Notice
of his Claim.

And be it further Enacted, That no Person shall be heard before the said Sheriff or Under-sheriff and the Jury, touching the matter of the inquiry, unless a previous notice in writing of *Fourteen* days at the least before the taking of such inquisition shall be given to the said Master, Wardens and Assistants, by leaving the same at the Trinity House in London, or at the office of the Solicitor for the said Master, Wardens and Assistants for the time being, containing a full and particular statement and account of the nature and extent of the estate or interest in respect whereof such Person shall claim to be heard.

15.
In case no
Person shall
appear pur-
suant to No-
tice, Inquisi-
tion to be
taken upon
the best infor-
mation.

Provided always, and be it further Enacted, That in case no Person shall appear pursuant to such notice so to be given and affixed as aforesaid, then the said Sheriff or Under-sheriff as aforesaid, and also the said Jury, shall proceed, upon the best information they can procure or obtain, to make such inquest and judgment, as hereinbefore directed; and such inquest and judgment shall be final, binding and conclusive, in like manner as if all Parties concerned had appeared and been heard upon the making thereof.

16.
Jury to settle
the Proportions of the
Purchase
Money to be
paid to the
Owners of the
particular
Estates.

And be it further Enacted, That the said Jury, at the time of assessing as aforesaid the true and real value of any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, rent, rent-charge, annuity, payment or incumbrance, shall and they are hereby empowered, if thereunto required, to settle what shares and proportions of the purchase-money or compensation which shall be assessed as aforesaid, shall be allowed to any Person for any his or her particular estate, term or interest in the premises, that may be shewn to have been or to be existing therein respectively at the time of the taking the said inquisition.

17.
Provido that
the Annuity
shall not,
after the pur-
chase thereof
by the Corpo-
ration, be a
charge on the
Grantor.

Provided always, and be it further Enacted, That every such rent, rent-charge, annuity, payment or incumbrance so to be purchased by the said Master, Wardens and Assistants as aforesaid from and after the time when the purchase-money or compensation for the same so agreed upon or so assessed and ascertained as aforesaid, shall have been paid by the said Master, Wardens and Assistants, shall be and is hereby declared to be satisfied redeemed and extinguished, and no action or suit or other proceeding shall thenceforth be had or taken against any grantor or person liable for or in respect of the same, or his or her heirs, executors or administrators, save and except to recover such arrears as may have grown due thereon before the same shall have been so purchased as aforesaid.

18.
In case of not
making out
Titles, or if
Persons can-
not be found,
Purchase-

And be it further Enacted, That in case the body or bodies politic or corporate, or person or persons to whom any sum or sums of money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make a good title to such Lighthouse or Light, Beacon,

Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, or to such estate or interest therein as aforesaid, or to such rent, rent-charge, payment, annuity or incumbrance as aforesaid, to the satisfaction of the said Master, Wardens and Assistants,

5 or in case the Person or Persons to whom any sum or sums of money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, estate or interest, rent, rent-charge, payment, annuity or incumbrance as

10 aforesaid, be not known or cannot be discovered, then and in every such case it shall be lawful for the said Master, Wardens and Assistants to order the said sum and sums assessed and awarded as and for any purchase-money as aforesaid, to be paid into the Bank of England in the name and with the privity of the Accountant-General of the

15 Court of Exchequer, to be placed to his account to the credit of the parties interested in the said Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, estate or interest, rent, rent-charge, payment, annuity or incumbrance (describing them), subject to the order, control and dispo-

20 sition of the said Court of Exchequer, which said Court, on the application of any Party or Parties making claim to such sum or sums of money, or any part thereof, by motion or petition, shall be and is hereby empowered in a summary way of proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and

25 invested in the public funds, and to order distribution thereof or payment of the dividends thereof, according to the respective estate or estates, title or interest of the Party or Parties making claim thereunto, and to make such other order in the premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of England

30 who shall receive any such sum of money, is hereby required to give a receipt for the same, specifying for what and for whose use the same is received.

money to be
invested in the
3 per cent.
Annuities.

Corporation
to order the
Purchase
Money to be
paid into the
Bank, subject
to the Order
of the Court
of Exchequer,
on Motion or
Petition.

And be it further Enacted, That where any question shall arise touching the title of any Party or Parties to any money to be paid into

35 the Bank of England in pursuance of this Act, as purchase-money for any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, or any estate or interest therein, or for such rent, rent-charge, payment or annuity as aforesaid, or to any Bank Annuities to be purchased with such money,

40 or to the dividends of any such Bank Annuities, the Party or Parties who shall have been in possession of such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands and buildings, or in the actual possession and enjoyment of the annual profits or produce of such tolls or duties, or in the actual perception of such rent, rent-charge, payment, annuity or incumbrance, at the time of such purchase money being agreed upon

19.
When any
question shall
arise touching
the Title to
the Money to
be paid, the
Person in pos-
session at the
time shall be
deemed en-
titled thereto,
according to
such posses-
sion, unless,
&c.

or awarded as aforesaid, shall be deemed and taken to have been lawfully entitled to such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands and buildings, fixtures, apparatus and furniture, tolls or duties, estate or interest, rent, rent-charge, payment or annuity according to such possession and enjoyment, until the contrary shall be shown to the satisfaction of the said Court of Exchequer; and the dividends or interest of the said Bank Annuities shall be paid, applied and disposed of accordingly, unless it shall appear to the said Court that such possession and enjoyment was a wrongful possession and enjoyment, and that some other Party or Parties was or were lawfully entitled to such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus and furniture, tolls or duties, or to such estate or interest, rent, rent-charge, payment, annuity or incumbrance.

20.
Allowance to
Sberiffs and
Jurors.

And be it further Enacted, That each Juryman who shall be summoned, and who shall appear as aforesaid and be ready to be sworn or affirmed upon any such inquest, shall be allowed his reasonable travelling expenses to and from the place of meeting, and that each Juryman who shall be sworn or affirmed shall in addition thereto be allowed for his trouble and subsistence the sum of *One Pound One Shilling* for each day's attendance, and no more, and that the Sneriff or Under-sheriff for summoning, returning and impannelling the Jury, and taking and recording their verdict, and the judgment to be given thereon, shall be allowed the sum of *Ten Pounds*, and no more, and for his subsistence the further sum of *One Pound* and *One Shilling* for each days' attendance, in addition to his reasonable travelling expenses to and from the place of meeting, which said respective allowances in case of dispute, shall be determined by *Two* Justices of the Peace in and for the said county, and shall be paid by the said Master, Wardens and Assistants, or their order.

21.
Fines on
Sheriff, Jury
and Witnesses,
for non-
attendance.

And be it further Enacted, That any Justice of the Peace for the county to the Sheriff of which any such precept or warrant may be directed, shall have power from time to time to impose any reasonable fine, not exceeding the sum of *Ten Pounds*, on such Sheriff or his Under-sheriff Deputy or Deputies, Bailiffs or Agents respectively making default in the premises, and on any of the Persons who shall be summoned and returned on any such Jury or Juries, and shall not appear, without sufficient excuse, or appearing, shall refuse to be sworn, or (being one of the persons called Quakers) to make affirmation on the said Jury or Juries, or being so sworn, or having so made affirmation, shall not give his or their verdict, and also on any Person or Persons who shall be summoned to give evidence touching any of the matters aforesaid, and shall not attend, or attending, shall refuse to be sworn, or to affirm, or be examined, or to give evidence, and on any Person or Persons who shall in any other manner

manner wilfully neglect his her or their duty in the premises, contrary to the true intent and meaning of this Act.

And be it further Enacted, That every such Jury as aforesaid shall be under and subject to the same regulations, pains and penalties, as if such Jury had been returned for the trial of any issue joined in any of His Majesty's Courts of Record at Westminster, and that all Persons, who, in any such inquiry to be made by virtue of this Act, shall wilfully give false evidence, upon oath or solemn affirmation, before the said Sheriff or his Deputy, and such Jury as aforesaid, shall be deemed guilty of wilful and corrupt perjury, and shall and may be prosecuted for the same; and upon conviction thereof, shall be subject to such punishments and disqualifications as Persons are subject to for wilful and corrupt perjury by the laws and statutes of this realm.

22.
Juries to be under the same Regulations as in the Courts at Westminster.

And be it further Enacted, That the said verdicts and judgments, and all other proceedings of the said Sheriff or his Deputy, and the said Juries respectively, so to be made, given and pronounced as aforesaid, shall be fairly written on parchment, and signed by the Sheriff or his Deputy aforesaid, and shall be transmitted to and kept by the Clerk of the Peace, or other Person or Persons having the custody of the records of the Quarter Sessions of the county or division in which, or next whereunto, such Lighthouse or Light, Beacon, Mark or Sign for the Sea shall be situate, and shall be deposited with and be deemed records of such Quarter Sessions to all intents and purposes; and the same, or true copies thereof, shall be allowed to be good evidence in all Courts whatsoever; and all Persons shall have liberty to inspect the same, upon paying for such inspection the sum of Five Shillings.

23.
Verdicts to be deemed Records, and Copies Evidence.

And be it further Enacted, That in case a verdict shall, upon any such inquiry, be given for a greater sum of money, as the purchase money of any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, or any estate or estates, interest or interests therein, or for any such rent, rent-charge, payment, annuity or incumbrance as aforesaid, or any estate or interest therein, than shall have been offered by or on the behalf of the said Master, Wardens and Assistants, previously to the summoning of such Jury, or in case, by reason of absence or other impediment or disability, there shall not be found any Person or Persons who may be legally capacitated to contract with and to receive the purchase money from the said Master, Wardens and Assistants, then and in every or any such case, all the reasonable costs, charges and expenses of causing and procuring such purchase money to be assessed and awarded as aforesaid, and of so assessing and awarding the same, shall be settled by the said Sheriff or his Deputy, lawfully constituted as aforesaid, and shall be paid and borne by the said Master, Wardens and Assistants; but in case

24.
Costs of ascertaining amount of Purchase Money, provided for.

any verdict shall be given for the same sum of money as shall have been previously offered by or on the behalf of the said Master, Wardens and Assistants, or for a less sum than shall have been so previously offered, or in case of such refusal to treat by any body or bodies politic or corporate, or by any Person or Persons who is or are, by the provisions of this Act or otherwise, legally empowered to treat for and receive such purchase money as aforesaid, then and in every or any such case, all the reasonable costs, charges and expenses of causing and procuring such purchase money to be assessed and awarded as aforesaid, and of so assessing and awarding the same (being first so taxed as aforesaid), shall be paid and borne in manner following; (that is to say) one moiety thereof shall be borne and paid by the said Master, Wardens and Assistants, and the other moiety shall be borne and paid by the body or bodies politic or corporate, or person or persons entitled to or claiming such purchase money; and the said Master, Wardens and Assistants are hereby authorized and empowered to deduct and retain such last-mentioned costs, charges and expenses out of the sum or sums of money so to be assessed or awarded as aforesaid, or out of any part thereof; and the payment or tender of the remainder of such sum or sums of money shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sum or sums so assessed or awarded as aforesaid.

25.
Purchase
Money to be
paid by the
Master,
Wardens and
Assistants.

And be it further Enacted, That all and every such purchase money or compensation as shall be so contracted and agreed for or so assessed and ascertained as aforesaid, under the authority of this Act, shall within next after such contract and agreement shall have been concluded, or within next after the amount of such purchase money or compensation shall have been so assessed and ascertained as aforesaid, be paid by the said Master, Wardens and Assistants, either to the Person or Persons entitled to receive the same, or into the Bank of England in manner hereinafter mentioned, in cases where the same is hereby directed to be paid into the Bank of England.

26.
Directing
application of
Money, when
amounting
to £.200 and
upwards.

And be it further Enacted, That all sum and sums of Money which shall be contracted or agreed or awarded to be paid for any Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, or any estate or estates, interest or interests therein purchased, or for any such rent, rent-charge, payment, annuity or incumbrance, or any estate or interest therein by virtue of the powers of this Act, which shall belong to any body or bodies politic or corporate, or any feme covert, infant, lunatic or other person or persons under a general disability or incapacity to sell, shall, in case the same shall amount to or exceed the sum of Two hundred Pounds, with all convenient speed be paid into the Bank of England, in the name and with the privity of the Accountant General of the Court of

of Exchequer, to be placed to his account there, ex parte the Corporation of Trinity House of Deptford Strond, pursuant to the method prescribed by an Act passed in the first year of the reign of his late Majesty King GEORGE the Fourth, intituled, " An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster, on account of the Suitors of the said Court, and for the appointment of an Accountant General and Two Masters of the said Court, and for other purposes," and shall be subject to the general orders of the said Court, and without fee or reward, to the intent that such money shall be applied under the direction and with the approbation of the said Court, to be signified by an order made upon a petition to be preferred in a summary way by the Person or Persons who would have been entitled to the annual profits or produce of any estate or interest in such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, rent, rent-charge, payment, annuity or incumbrance, under the direction or appointment of the said Court, in the purchase of houses, buildings, lands, tenements or hereditaments, which shall be conveyed and settled to for and upon such and the like uses, trusts, intents and purposes, and in the same manner as such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, or such rent, rent-charge, payment, annuity or incumbrance, or such estate or interest therein respectively as aforesaid stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the meantime until such purchase shall be made, the said money shall by order of the said Court of Exchequer upon application thereto, be invested by the said Accountant General in his name, in the purchase of Three pounds per centum Consolidated or Three pounds per centum Reduced Bank Annuities; and in the meantime, until the said Bank Annuities shall be ordered by the said Court to be sold for the purposes aforesaid, the dividends and annual produce thereof shall from time to time be paid by the order of the said Court, to the Person or Persons who would for the time being have been entitled to the annual profits and produce of such Lighthouse or Light, Beacon, Mark or Sign for the Sea, tolls or duties, or of such estate or interest therein, or of such rent, rent-charge, payment, annuity or incumbrance as aforesaid, in case the same had not been purchased or taken by the said Master, Wardens and Assistants under the provisions of this Act.

And be it further Enacted, That if any Money so contracted or agreed or awarded to be paid as the purchase money of any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, with the appurtenances, lands, buildings, fixtures, apparatus, furniture, tolls or duties, or of any such estate or interest therein as aforesaid, or of such rent, rent-charge, payment, annuity or incumbrance, or estate or interest

27.
Application
when less than
£. 200, and
not more than
£. 20.

therein as aforesaid belonging to any Corporation or Person or Persons, under disability or incapacity as aforesaid, shall be less than the sum of Two hundred Pounds, and shall exceed the sum of Twenty Pounds, then and in all such cases the same shall at the option of the Corporation or Person or Persons for the time being entitled to the annual profits or produce of such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties, or of such estate or interest therein as aforesaid, or of such rent, rent-charge, payment, annuity or incumbrance as aforesaid, or of his her or their guardian or guardians, committee or committees, trustee or trustees, or person or persons acting as such, to be signified in writing under their respective hands or common seal, be paid into the Bank of England in the name and with the privity of the said Accountant General of the Court of Exchequer, and be placed to his account as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same shall be paid at the like option, to Two trustees to be nominated by the Corporation or Person or Persons making such option, and approved of by the said Master, Wardens and Assistants, such nomination and approbation to be signified in writing under the hands or common seal of the nominating and approving parties, in order that such principal money and the dividends arising thereon may be applied in any manner hereinbefore directed, so far as the same shall be applicable, without obtaining or being required to obtain the direction or appointment of the said Court.

28.
Application
when Money
under £.20.

And be it further Enacted, That where such Money so contracted or agreed or awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then and in all such cases the same shall be applied to the use of the Corporation or Person or Persons who would for the time being have been entitled to the annual profits or produce of such Lighthouse or Light, Beacon, Mark or Sign for the Sea, tolls or duties, or of such estate or interest therein as aforesaid, or of such rent, rent-charge, payment, annuity or incumbrance as aforesaid, in such manner as the said Master, Wardens and Assistants shall think fit, or in case of infancy or lunacy or other incapacity or disability to sell, then to his her or their guardian or guardians, committee or committees, trustee or trustees, or other person or persons acting as such, to and for the use and benefit of such person or persons so entitled respectively, and the receipt of the Person or Persons to whom the said Master, Wardens and Assistants shall direct the same to be paid shall be a sufficient discharge for the same.

29.
The Court of
Exchequer
may order
reasonable
Expenses of
Purchase from
incapacitated

And be it further Enacted, That where by reason of any disability or incapacity of the person or persons, body or bodies politic or corporate, entitled to any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, lands, buildings, fixtures, apparatus, furniture, tolls or duties,

duties, or any estate or interest therein, or to any such rent, rent-charge, payment, annuity or incumbrance to be purchased or taken under the authority of this Act, the purchase-money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the purchase of houses, buildings, lands, tenements or hereditaments, to be settled to the like uses in pursuance of this Act, it shall be lawful for the said Court to order the expenses of all such last-mentioned purchases, or so much of such expenses as the said Court shall deem reasonable, together with the charges of obtaining such order, to be paid by the said Master, Wardens and Assistants, and the said Master, Wardens and Assistants shall from time to time pay such sums of money for such purposes as the said Court shall direct out of the monies applicable to the purposes of this Act.

Persons, to be paid by the Corporation.

AND the better to enable the said Master, Wardens and Assistants, to carry into effect the purposes of this Act; BE it further Enacted, That it shall be lawful for the said Master, Wardens and Assistants, and they are hereby empowered at any time or times hereafter by bond or writing under their common seal, to borrow and take up at such rate of interest as shall be agreed upon in that behalf, any sum or sums of money that shall appear to them to be necessary for enabling them to complete the purchase of the said several Lighthouses and Lights, Beacons, Marks and Signs for the Sea, in the said Schedule to this Act mentioned, and to carry the purposes of this Act into execution; and it shall be lawful for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby authorized out of the Consolidated Fund of Great Britain, to advance and lend to the said Master, Wardens and Assistants, upon the security of such bonds or writings as aforesaid, such sum or sums of money as shall be required by the said Master, Wardens and Assistants, for any of the purposes aforesaid, and from and after any such bond or writing shall have been so made and given for any of the purposes aforesaid, it shall be lawful for the said Master, Wardens and Assistants, from time to time, to keep down the interest which shall have accrued due on any such bond or writing, or to pay off the whole or any part of the principal money secured thereby, together with the arrears of interest thereon, from and out of the proceeds of any such Tolls or Duties now payable to the said Master, Wardens and Assistants, or hereby made payable, or which at any time hereafter may become payable to the said Master, Wardens and Assistants.

30.
Power to borrow Money;

Money may be advanced by the Treasury.

AND whereas certain Tolls or Duties are by law payable in respect of certain of the said Lighthouses and Lights, Beacons, Marks and Signs for the Sea, in the said Schedule to this Act mentioned on foreign ships and vessels, over and above the Tolls or Duties payable in respect of such Lighthouses and Lights, Beacons, Marks and Signs for the Sea

31.
The value of extra Duties on such Foreign Ships as are privileged under the Reciprocity Acts, to be paid out of the Consolidated Duties of Customs; 59 G. 3, c. 54, s. 8.

Sea on British ships and vessels, but the ships and vessels of or belonging to certain Foreign Powers, have by virtue of Conventions and Treaties heretofore entered into with such Foreign Powers, and by Orders of His Majesty in Council, been exempted from the payment of such extra Tolls or Duties, and provision hath been made for indemnifying the several Persons to whom such extra Tolls or Duties would otherwise have been payable out of the consolidated Duties of Customs; BE it therefore Enacted, That upon every such purchase being so made by the said Master, Wardens and Assistants of any such Lighthouse or Light Beacon, Mark or Sign for the Sea in the said Schedule mentioned, in respect whereof such extra Tolls or Duties are so payable as aforesaid on Foreign ships and vessels, or of any of the Tolls or Duties payable in respect of such Lighthouse or Light, Beacon, Mark or Sign for the Sea, or any estate or interest therein, it shall be lawful for the said Master, Wardens and Assistants, together with the Lords Commissioners of His Majesty's Treasury for the time being, to ascertain and agree upon the value of such extra Tolls or Duties so payable on Foreign ships and vessels in respect of such Lighthouse or Light, Beacon, Mark or Sign for the Sea; and in case the same cannot or shall not be so ascertained and agreed upon by and between the said Lords Commissioners and the said Master, Wardens and Assistants, then and in every such case the value of such extra Tolls or Duties shall be assessed and ascertained by a Jury, in like manner as the sum or sums of money to be paid as the value, and for the purchase of Lighthouses or Lights, Beacons, Marks or Signs for the Sea, is and are hereinbefore directed to be assessed and ascertained, and all and every the clauses, provisions, directions, matters and things hereinbefore contained, relating to the issuing and executing of a warrant or precept and the impannelling of Jurors, and summoning and attendance of Sheriffs and Witnesses respectively, upon and for so assessing and ascertaining the sum or sums of money to be paid as the value or for the purchase of Lighthouses and Lights, Beacons, Marks or Signs for the Sea, shall extend and apply to the assessment and ascertaining of the value of such extra Tolls or Duties; and when and so soon as the said Master, Wardens and Assistants shall have completed the purchase of any such Lighthouse or Light, Beacon, Mark or Sign for the Sea, Tolls or Duties, or any such estate or interest therein, and paid the purchase money of and for the same, the Lords Commissioners of His Majesty's Treasury are hereby authorized and required to direct the value of such extra Tolls or Duties so agreed upon or ascertained and assessed as aforesaid to be paid to the said Master, Wardens and Assistants, out of the Consolidated Fund of Great Britain; and in every case where the value of such extra Tolls or Duties shall be so assessed and ascertained by any Jury as aforesaid, the reasonable costs, charges and expenses of causing and procuring such value to be assessed and ascertained as aforesaid, and of so assessing and ascertaining the same, shall be settled by the Sheriff or his

his Deputy in manner aforesaid, and shall be borne and paid in manner following; (that is to say) one moiety thereof shall be borne and paid by the said Master, Wardens and Assistants, and the other moiety thereof shall be paid by the said Lords Commissioners of His Majesty's Treasury out of the said Consolidated Fund.

Provided always, That in all cases where the value of such extra Tolls or Duties shall be so assessed and ascertained by a jury *Fourteen* days notice in writing of the execution of the warrant or precept to be issued for that purpose, shall be given and left to and with the Lords Commissioners of His Majesty's Treasury, or one of their Secretaries for the time being.

32.
The Lords
Commis-
sioners of the
Treasury to
have notice of
the Inquiry.

And be it further Enacted, That from and after
no new Light, Beacon or Sea-mark shall be exhibited or altered, or caused or permitted to be exhibited or altered, nor shall any
now existing Light, Beacon or Sea-mark be altered or caused or permitted to be altered by any Trustee or Trustees, Commissioner or Commissioners, local Officer or Officers, Person or Persons whatsoever in or near to any of the Ports or Harbours, Sea Shores, Coasts or Forelands of England, or any of the Islands, Rocks or other places adjoining or near to the same for the guidance of ships and vessels entering or resorting to or departing from any Port, Harbour, Canal or other place without the sanction in writing of the said Master, Wardens and Assistants having been first had and obtained in that behalf; and all such Trustees, Commissioners, local Officers and other Persons whatsoever, shall in all things conform to such reasonable orders and alterations as the said Master, Wardens and Assistants shall from time to time make and direct as to the description and power of any such Light, and the character of any such Beacon or Sea-mark, and the mode of exhibiting the same respectively, due notice of such orders and alterations being first given by the said Master, Wardens and Assistants to such Trustees, Commissioners, Local Officers and other Persons respectively.

33.
Trinity House
to have
control over
Harbour
Lights.

AND for the better collection of the Tolls or Duties payable to the said Master, Wardens and Assistants for or in respect of Lighthouses and Lights, Buoys and other Beacons, Marks or Signs for the Sea; BE it further Enacted, That no Collector of His Majesty's Customs, Comptroller, Receiver of Entries, Surveyor or Searcher, Waiter or other Officer of the Customs of His Majesty, his heirs or successors, or his or their deputy or clerk at any of the Ports, Harbours or places of England, who shall be required in manner hereinafter mentioned to ascertain that such Tolls or Duties have been paid, shall at any time hereafter take or receive any entry or report, or cocquet or other discharge or clearance, inwards or outwards for any Ship or Vessel liable

34.
Duties when
to be col-
lected.

to any Tolls or Duties now payable or hereby made payable, or which at any time hereafter shall become payable to the said Master, Wardens and Assistants for or in respect of any Lighthouse or Light Buoy, or other Beacons, Marks or Signs for the Sea, until the owner or owners, master or other person having the command of such ship or vessel, or his or their agent, shall produce and show to such Collector of His Majesty's Customs, Comptroller, Receiver, Surveyor, Searcher, Waiter or other Officer of the Customs, or their respective Deputies or Clerks, a receipt or voucher for the payment of such Tolls or Duties signed by some Collector appointed by the said Master, Wardens and Assistants in respect of such Port, Harbour or place (where any such Collector shall have been so appointed), and when and so often as it shall happen that there shall be no such Collector appointed by the said Master, Wardens and Assistants in respect of any such Port, Harbour or place, then until the amount of such Tolls or Duties to which any such ship or vessel entering or departing from any such Port, Harbour or place shall be liable, shall have been paid by the owner or owners, master or other person having the command of such ship or vessel, or his or their agent to the Collector or other Chief Officer of His Majesty's Customs, at such Port, Harbour or place who is hereby authorized and required to receive such Tolls or Duties, and to cause the amount thereof to be paid to the said Master, Wardens and Assistants upon being allowed such reasonable commission in respect thereof as to the said Master, Wardens and Assistants shall seem meet; and the Commissioners of His Majesty's Customs shall from time to time, if thereunto requested by the said Master, Wardens and Assistants, require some one Collector of His Majesty's Customs, Comptroller, Receiver of Entries, Surveyor or Searcher, Waiter or other Officer of His Majesty's Customs at every such Port, Harbour or place to ascertain that such Tolls or Duties have been paid, and shall give such orders and directions to such officer in relation thereto as shall seem necessary for securing in manner aforesaid the collection of the said Tolls and Duties under and according to any regulations respecting such collection now in force, or hereafter to be made in pursuance of the provisions of this Act.

35.
Power of
Distress for
Duties.

And be it further Enacted, That in case any Master or Owner, or other Person having the charge or command of any ship or vessel liable to the payment of any Tolls or Duties now payable or hereby made payable, or which at any time hereafter shall become payable to the said Master, Wardens and Assistants, for or in respect of any Lighthouse or Light, Buoy or other Beacon, Mark or Sign for the Sea, shall refuse or neglect to pay all such Tolls or Duties to which such ship or vessel shall be liable to the Collector or Collectors appointed or to be appointed by the said Master, Wardens and Assistants to receive the same, or if there shall be no such Collector, then to the Collector or

other

other Chief Officer of His Majesty's Customs as aforesaid, it shall be lawful to and for the said Master, Wardens and Assistants, or their Collectors, or Collector aforesaid, or for other the Person to be appointed by them or him in that behalf, to seize and take or carry away any of the goods, merchandize, guns, tackle, furniture or apparel of or belonging to or on board of any such ship or vessel, (leaving notice thereof on board such ship or vessel), and the same goods, merchandize, guns, tackle, furniture or apparel, to detain and keep for and during the space of *Three* full days then next, unless the said Tolls or Duties, and all arrears thereof due and payable in respect of ship or vessel, shall in the mean time be fully satisfied and paid; and in case all such Tolls or Duties and arrears thereof, shall not before the expiration of such *Three* days have been so as aforesaid fully satisfied and paid, then and in such case it shall be lawful for the said Master, Wardens and Assistants, or their Collectors or Collector aforesaid, or the Collector or other Chief Officer of His Majesty's Customs as aforesaid, or for such Person or Persons as they or he shall or may authorize and appoint in that behalf, to cause the same goods, merchandize, guns, tackle, furniture or apparel so seized as aforesaid, to be appraised by *Two* or more sufficient persons or sworn appraisers, within a reasonable space of time then next following, and thereupon to sell and dispose of the same, and by and out of the proceeds of such sale to pay and satisfy or retain the amount of the Tolls or Duties, or arrears thereof, to which such ship or vessel shall be liable as aforesaid, together with the reasonable charges of so seizing, taking, detaining, appraising and selling the said goods, merchandize, guns, tackle, furniture or apparel, rendering to the Master or Owner, or other person having the command of such ship or vessel, the overplus (if any there be) on demand.

Provided nevertheless, and be it further Enacted, That notwithstanding any thing in this Act contained, it shall be lawful to and for the said Master, Wardens and Assistants, to sue for and recover the amount of any such Tolls or Duties, which now are or are hereby made, or at any time hereafter may become payable to them for or upon any ship or vessel, in respect of any Lighthouse or Light Buoys, or other Beacon, Mark or Sign for the Sea, by action of debt, or by suit in equity, to be brought or exhibited by the said Master, Wardens and Assistants, against the owner or owners or master, or other person having the command of ship or vessel, in any of His Majesty's Courts of Record in Great Britain or Ireland.

36.
Corporation
may recover
Duties, &c.
by Action or
Suit.

AND whereas by the said in part recited Act passed in the third year of the reign of his said late Majesty King GEORGE the Fourth, the said Master, Wardens and Assistants were authorized and empowered from time to time, and at any time or times after the passing of that Act, upon the requisition or with the consent of His Majesty, His heirs and

37.
3 G. 4, c. 111

Duties vested
in the Corpo-
ration under
this Act, to
be subject to
be reduced,
&c. like others
payable to the
Corporation.

successors, His or their most Honourable Privy Council, to reduce, relinquish, abolish, alter or modify in manner therein mentioned, all or any or either of the rates, prices, dues, duties or tolls therein mentioned: AND whereas the said Master, Wardens and Assistants in exercise of the said authority and power, have with such consent as aforesaid reduced and modified sundry of the said Tolls or Duties in the said recited Act mentioned, to the great relief of the owners of ships and vessels liable thereto: AND whereas in order to the further relief of the owners of ships and vessels, it is expedient that the powers in and by the said recited Act given to the said Master, Wardens and Assistants, should be enlarged and extended to the several Tolls or Duties in this Act mentioned; BE it therefore Enacted, That the said Master, Wardens and Assistants shall be, and they are hereby authorized from time to time and at any time or times, upon the requisition or with the consent of His Majesty, His heirs and successors, in His and their most Honourable Privy Council, to reduce, relinquish, abolish, alter or modify all or any of the Tolls or Duties now payable or hereby made payable, or which at any time hereafter may become payable, to the said Master, Wardens and Assistants, for or in respect of any Lighthouse or Light, Buoys or other Beacon, Mark or Sign for the Sea, and to revise and re-establish or increase, or otherwise alter or modify any such Tolls or Duties when so relinquished, abolished or modified, and so from time to time as often as occasion shall require, in such manner and form, and subject to such conditions and limitations as the said Master, Wardens and Assistants are now by law empowered to do in respect of the rates, prices, dues, duties or tolls mentioned in the said recited Act of the third year of his said late Majesty's reign.

38.
The Corpora-
tion to make
Regulations
for relief of
Ships and
Vessels, with
regard to
Duties.

And be it further Enacted, That it shall be lawful for the said Master, Wardens and Assistants from time to time, and at any time or times hereafter, upon the like requisition, or with the like consent of His Majesty, His heirs and successors, in His or their most Honourable Privy Council, to make regulations for the purpose of relieving certain ships and vessels from all or any of the Tolls or Duties now payable to the said Master, Wardens and Assistants, or hereby made payable, or which shall at any time hereafter become payable to them for or in respect of any Lighthouse or Light, Buoys or other Beacon, Mark or Sign for the Sea, upon such terms and to such extent as to them shall seem proper, or for the purpose of substituting any other and different description or class of Toll or other Duty or other payment upon or in respect of ships and vessels, or any particular description of ships and vessels, in lieu of the Tolls or Duties to which such ships and vessels may be subject at the time of the making such regulations respectively, and for the purpose of altering the times and places; or either of them; at which any Tolls or Duties for or in respect of any Lighthouse or Light, Buoys or other Beacon, Mark or Sign for the Sea shall be payable; and it

it shall be in like manner lawful for the said Master, Wardens and Assistants from time to time, upon such requisition, or with such consent as aforesaid, to revoke or alter any such regulation when so made as aforesaid, and from and after such regulations shall respectively have taken effect, the Tolls or Duties or paymept thereby made payable shall
 5 be paid by the owners and masters of the ships and vessels mentioned therein, in such and the same manner, and at such and the same times and places (unless otherwise directed by such regulations), and shall be recoverable by the said Master, Wardens and Assistants, by such and
 10 the same ways and means as the Tolls or Duties in lieu or respect whereof the same shall have been so made payable: Provided always, That no such regulation or revocation, or alteration of any such regulation, shall be deemed valid or take effect until the same shall have been submitted by the said Master, Wardens and Assistants to, and shall have been
 15 assented to and confirmed by His Majesty, His heirs or successors, in His or their most Honourable Privy Council, and such assent and confirmation shall have been signified in writing to the said Master, Wardens and Assistants, nor until after the said Master, Wardens and Assistants shall have caused notice of such regulation, or
 20 of such revocation or alteration of any regulation (as the case may be), to be published in the London Gazette.

AND to the intent that the amount of the Tolls or Duties from time to time payable to the said Master, Wardens and Assistants, upon ships and vessels, in respect of Lighthouses, Lights, Buoys or other
 25 Beacons, Marks or Signs for the Sea, and also the regulations from time to time in force concerning them may be promulgated and publicly made known; BE it further Enacted, That as soon as conveniently may be, after the said Master, Wardens and Assistants shall have completed the said purchases by this Act authorized to be made, and shall,
 30 upon the requisition, or with the consent of His Majesty, His heirs or successors, in His or their most Honourable Privy Council, have altered, modified or reduced the Tolls or Duties hereby vested in them, or made regulations concerning the same, the said Master, Wardens and Assistants shall cause to be drawn up a Table of all the Tolls or Duties
 35 payable to them upon ships or vessels, in respect of any Lighthouses or Lights, Buoys or other Beacons, Marks or Signs for the Sea, together with a summary of such regulations as shall have been made by them concerning the same, upon such requisition, or with such consent as aforesaid, and shall cause the same to be laid before His
 40 Majesty, His heirs or successors, in His or their most Honourable Privy Council; and the same shall be signed by the Clerk of the Council, and enrolled or entered amongst the public books, records or documents thereof; and the said Master, Wardens and Assistants shall cause a printed copy of such Table, together with such summary as aforesaid, to be delivered to the Commissioners of His Majesty's

39.
 Tables of
 Tolls and
 Regulations
 to be hung
 up in the
 Custom
 House.

Customs, at His Majesty's Custom House in London; and a printed copy thereof to be also forwarded to His Majesty's principal Officer of Customs, at and for each and every Port or place in England for which any such Officer shall be appointed, and so from time to time as often as the said Master, Wardens and Assistants shall, upon such requisition, or with such consent of His Majesty, His heirs or successors, in His or their most Honourable Privy Council, make any alteration in the amount of any such Tolls or Duties, or any new regulation, or alter any existing regulation concerning the same, the said Master, Wardens and Assistants shall, with all convenient speed, cause fresh Tables of such Tolls or Duties when so altered, and a summary of every such new regulation or alteration of existing regulations, to be in like manner laid before His said Majesty, His heirs and successors, in His or their most Honourable Privy Council, where the same shall be so signed and entered as aforesaid; and the said Master, Wardens and Assistants shall cause printed copies thereof, in like manner, to be delivered at His Majesty's Custom House in London, and forwarded to such principal Officers of Customs in England as aforesaid, and the Commissioners of His Majesty's Customs for the Port of London, and all other His Majesty's principal Officers of Customs for any such Port or place, to whom any such copies shall be so delivered or forwarded, shall and they are hereby required to cause the same to be kept constantly hung up and preserved, as long as the same shall remain in force, in some conspicuous part of His Majesty's Custom House in London, or other the Custom House for any such Port or place, so that the said Tables may be seen and read by all Persons having any business in such Custom Houses respectively; and the Tolls or Duties specified in any such Table, when so signed and entered as aforesaid, from thenceforth, so long as the same remain in force, shall be the lawful Tolls or Duties payable to the said Master, Wardens and Assistants; and the same and none other shall be received and taken by them upon the ships and vessels, and for and in respect of the Lighthouses or Lights, Buoys or other Beacons, Marks or Signs for the Sea, therein referred to, and in such manner and form as shall be directed therein, or in such summary so therewith drawn up and entered as aforesaid; and a copy of any such Table, examined with the original so entered, and so purporting to be signed as aforesaid, shall be deemed and taken in all courts of law, and other places, to be evidence of the right to recover such Tolls or Duties, according to the tenor thereof.

40.
Power to alter
the situation
of Lighthouses
and Lights.

AND whereas the lands and shoals upon the coasts of England are in many places liable to vary their form so considerably as to occasion changes in the course of the navigation near the same, and it is therefore expedient, for the more effectual security of ships and vessels navigating the British Seas, that power should be given to alter from time to time the position of the Lighthouses and Floating Lights, Beacons,

Beacons, Marks or Signs for the Sea erected or placed for the protection of ships and vessels as occasion may require; BE it therefore Enacted, That from time to time and at any time or times hereafter when any Lighthouse or Floating Light, Beacon, Mark or Sign of the Sea erected or placed for the purpose of protecting ships and vessels in their navigation shall, by reason of any variation or change in the form of any such sand or shoal, become unnecessary in the situation in which the same shall then be, and shall for the purpose aforesaid become necessary, or would from such or any other sufficient cause be more advantageous or useful in some other situation, the said Master, Wardens and Assistants shall be and they are hereby authorized and empowered, upon the requisition or with the consent of His Majesty, His heirs or successors, in His or their most Honourable Privy Council, to remove and discontinue any such Lighthouse or Floating Light, Beacon, Mark or Sign for the Sea, and to erect, set up or place another or other new Lighthouse or Lighthouses, Floating Light or Floating Lights, Beacons, Marks or Signs for the Sea instead thereof in some other place or places which shall be found better adapted for the purpose of protecting ships and vessels from danger; and from the time at which such new Lighthouse or Lighthouses, Floating Light or Floating Lights, Beacons, Marks or Signs for the Sea shall have been so erected, set up or placed, and for ever thereafter so long as the same shall be maintained, and a Light or Lights shall be exhibited from such Lighthouse or Lighthouses, Floating Light or Floating Lights, during the night season, the Tolls or Duties theretofore payable in respect of such Lighthouse or Floating Light, Beacon, Mark or Sign for the Sea so removed or discontinued shall be applicable to and shall be payable in respect of such new Lighthouse or Lighthouses, Floating Light or Floating Lights, Beacons, Marks or Signs for the Sea, and it shall be lawful for the said Master, Wardens and Assistants, and they are hereby authorized and empowered, thenceforth to collect, demand and receive the same Tolls and Duties for the maintenance of such Lighthouse or Lighthouses, Floating Light or Floating Lights, Beacons, Marks or Signs for the Sea, from or in respect of such and the same ships and vessels, and to be collected, recovered and applied in such and the same manner and form as the said Master, Wardens and Assistants were authorized to collect, demand, receive and apply such Tolls or Duties for or in respect of such Lighthouse or Floating Light, Beacon, Mark or Sign of the Sea so removed or discontinued as aforesaid: Provided always, That where any such Lighthouse or Floating Light, Beacon, Mark or Sign for the Sea shall be so removed and discontinued, and any new Lighthouse or Floating Light, Beacon, Mark or Sign for the Sea shall be erected, set upon or placed instead thereof, notice of such removal and discontinuance, and of the erection, setting up or placing of such new Lighthouse or Floating Light, Beacon, Mark or Sign for the Sea shall be published by the said Master, Wardens and Assistants *Three* several times in the London Gazette.

41.
Powers of the
Acts relating
to the Skerries,
Spurn Point
and Tinmouth
Castle Lights,
to be extended
to the Corpo-
ration under
this Act.

And be it further Enacted, That immediately from and after the
all and every the several powers and
authorities which are in and by the said recited Act of the third year
of the reign of his said late Majesty King GEORGE the Second, and the
said recited Acts of the sixth, twelfth and forty-second years of the
reign of his said late Majesty King GEORGE the Third respectively
granted to or in favour of the Persons interested in the several Light-
houses in the said Acts respectively mentioned, or for the better main-
tenance of the same Lighthouses respectively, or in regard to the pay-
ment and collection of Tolls or Duties in respect thereof shall extend to,
and shall and may from thenceforth respectively be exercised and en-
joyed by the said Master, Wardens and Assistants under and by virtue
of this Act.

42.
Powers of the
6 G. 3, c. 31,
and 42 G. 3,
c. 43, in favour
of the Trinity
Houses of
Hull and
Newcastle-
upon-Tyne,
repealed.

And be it further Enacted, That so much of the said recited Act
of the sixth year of the reign of his said late Majesty King GEORGE the
Third as gives to the Corporation of the Trinity House of Hull any
authority, superintendence or control over or in respect of the Light-
houses therein mentioned or referred to, and so much and such part of
the said recited Act of the forty-second year of the reign of his said
late Majesty King GEORGE the Third as gives to the Master, Wardens
and Assistants of the Corporation of the Trinity House of Newcastle-
upon-Tyne authority to inspect the Lighthouse in the said last-mentioned
Act mentioned or referred to shall be and the same is hereby repealed.

43.
The Corpo-
ration to lay
an Account
before
Parliament
annually.

And be it further Enacted, That the said Master, Wardens and
Assistants shall, within
after the meeting
of Parliament in every year, lay or cause to be laid before each House of
Parliament a true account of the receipt and application of all Monies
which shall have been received and applied by the said Master,
Wardens and Assistants for any such Tolls or Duties now payable, or
which shall hereafter become payable for or in respect of any Light-
house or Light, Beacon, Mark or Sign for the Sea, together with a Re-
port of the principal alterations and improvements, if any, that shall
have been made by the said Master, Wardens and Assistants in any
Lighthouse or Light, Beacon, Mark or Sign for the Sea in the course of
the then last past year.

44.
Surplus of
Monies
arising from
Tolls and
Duties, to be
given as
Charity to
Persons who
have been
employed in
Public Light-
houses, &c.

AND whereas in execution of the trusts vested in and of the powers
given to the said Corporation of the Trinity House, the surplus monies
arising from the estates, and from the Tolls and Duties collected and
received in respect of the Beacons and Lighthouses, and of Ballastage
and other Revenues of the said Corporation, have hitherto been appro-
priated to charitable purposes; (that is to say) in the support of alms-
houses, and in the maintenance, by means of pensions, of poor and
decayed mariners, and their widows and Orphans: AND whereas all
Monies received under the head of Light Dues ought to be appro-
priated solely in the maintenance of Lighthouses, and towards defraying
the

the necessary charges and the contingent expenses of the establishment of the Trinity House; and it is expedient that from and after the respective deaths of the several Persons at present maintained in the almshouses of the said Corporation, and receiving charitable pensions from its funds, all monies arising from Lighthouse Dues should be so appropriated; BE it therefore Enacted, That from and after the *passing of this Act*, no Person shall be received or admitted into the said almshouses for maintenance out of the surplus of Lighthouse Dues, save and except those at present maintained therein; nor shall any charitable pension be paid out of such surplus to any Person or Persons whomsoever, save and except the pensions payable to the several Persons at present in the receipt of Pensions from the said Corporation, and also save and except pensions to servants of the said Corporation and others who shall have been employed in the several Public Lighthouse Establishments of the United Kingdom, and shall have been worn out by age, or maimed in the service thereof.

And be it further Enacted, That in case any suit or action shall be commenced against the said Master, Wardens and Assistants, or any other Person, for anything done in pursuance of this Act, the defendant or defendants in such suit or action may plead generally that the matters complained of in and by such suit or action were done by the authority of this Act of Parliament, and shall and may give the special matters in evidence.

45.
General Plea
for matters
done in pur-
suance of this
Act.

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of by all Judges, Justices and others.

46.
Public Act.

THE SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

LIGHTHOUSES, AND LIGHT-BEACONS, AND SEA-MARKS.

SKERRIES.
SPURN POINT.
TINMOUTH CASTLE.
HARWICH.
DUNGENESS.
WINTERTONNESS.
ORFORDNESS.
HUNSTANTON CLIFF.
SMALLS.
LONGSHIPS.

Lighthouses.

A

B I L L

For vesting Lighthouses and Lights on the Coasts of England in the Corporation of Trinity House of Deptford Strond, and for making provisions respecting Lighthouses, Lights, Buoys, Beacons and Sea-marks, and the Tolls and Duties payable in respect thereof.

(Prepared and brought in by
Mr. Hume and Mr. Ewart.)

Ordered, by The House of Commons, to be Printed,
8 February 1836.

23 June 1836.—6 WILL. IV.



A

B I L L

For vesting Lighthouses, Lights and Sea Marks on the Coasts of England in the Corporation of Trinity House of Deptford Strond, and for making Provisions respecting Lighthouses, Lights, Buoys, Beacons and Sea Marks, and the Tolls and Duties payable in respect thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by far the greater number of the Lighthouses upon the Coasts of England, and the Islands and other places adjoining thereto, belong to or are under the control and management of the Master, Wardens and Assistants of the Guild, Fraternity or Brotherhood of the Most Glorious and Undivided Trinity, and of Saint Clement, in the parish of Deptford Strond, in the county of Kent, commonly called the Corporation of Trinity House of Deptford Strond, as well by virtue of a certain Act of Parliament of the eighth year of Queen ELIZABETH, intituled, “An Act concerning Sea Marks and Mariners;” as by virtue of divers ancient Grants and Charters, and particularly of a certain ancient Grant, dated the Eleventh day of June in the thirty-sixth year of her said Majesty, whereby her Majesty granted to the said Master, Wardens and Assistants of the said Corporation the Beaconage and Bouyage, and the Office of Beaconage and Bouyage, upon the surrender thereof, into the hands of her Majesty by Charles Lord Howard, Baron of Effingham, then being her said Majesty’s Great Admiral of England; and the said Master, Wardens and Assistants are entitled to erect and maintain from time to time such and so many Beacons, Marks and Signs for the Sea in such place or places of the sea-shores and uplands near the sea-coasts or forelands, as to them shall seem most

Preamble.

8 Eliz. c. 13.

36 Eliz.

meet,

373.

meet, whereby dangers may be avoided, and Ships the better come to their ports without peril:

And whereas the several Lighthouses at Harwich in the county of Essex, Dungeness in the county of Kent, Wintertonness and Hunstanton Cliff in the county of Norfolk, and Orfordness, in the county of Suffolk, still remain parcel of the Possessions and Land Revenues of the Crown in England, and are under the separate control and management of divers individuals, as lessees thereof under the Crown, for terms of years which are not yet expired; (that is to say) the Lighthouse at Harwich, under the control and management of Lieutenant-General Francis Slater Rebow; the Lighthouse at Dungeness, under the control and management of Thomas William Coke, Esquire; the Lighthouses at Wintertonness and Orfordness, under the control and management of the Right honourable Richard Griffin Lord Braybrooke; and the Lighthouse at Hunstanton Cliff, under the control and management of Samuel Lane, Esquire, or his representatives:

And whereas certain other Lighthouses upon the coasts of England are under the separate control and management of divers individuals, as the Proprietors or Lessees thereof; (that is to say) the Lighthouse upon the Island Rock, called "Skerries," in Saint George's Channel, under the control and management of Morgan Jones, Esquire, acting by virtue of an Act of the third year of GEORGE the Second, intituled, "An Act for confirming a Patent granted by her late Majesty Queen ANNE to William Trench, Esquire, deceased, for erecting a Lighthouse upon the Island or Rock called 'Skerries,' and for the better maintenance of the said Lighthouse, and for making the Duties granted for maintaining the same perpetual;" the Lighthouses near the Spurn Point, at the mouth of the River Humber, under the control and management of Benedict John Angell Angell, Esquire, and George Lowther Thomson, Esquire, acting by virtue of an Act of the sixth year of GEORGE the Third, intituled, "An Act for taking down and removing certain Lighthouses now standing near the 'Spurn Point,' at the Mouth of the Humber, and for erecting other fit and convenient Lighthouses instead thereof;" and an Act of the twelfth year of GEORGE the Third, intituled, "An Act to explain and amend an Act passed in the sixth year of His present Majesty, intituled, 'An Act for taking down and removing certain Lighthouses now standing near the 'Spurn Point,' at the Mouth of the Humber, and for erecting other fit and convenient Lighthouses instead thereof;" the Lighthouse at Tinmouth, in the county of Northumberland, under the control and management of William Fowke, Esquire, acting by virtue of an Act of the forty-second year of GEORGE the Third, intituled, "An Act for improving the Tinmouth Castle Lighthouse and Light, and for authorizing additional Light Duties in respect of

Skerries
Light.

3 Geo. 2. c. 36.

Spurn Lights.

6 Geo. 3. c. 31.

12 Geo. 3.
c. 29.

Tinmouth
Castle Light.

42 Geo. 3.
c. 43.

of such Improvement;" and the Lighthouse in the Rock called "The Smalls," in Saint George's Channel, under the control and management of Mistress Elizabeth Buchanan and Thomas Pickering Clarke, Esquire, by virtue of a Lease from the said Master, Warden and
 5 Assistants of the Corporation of Trinity House, subject to a rent payable in respect thereof; and the Lighthouse on the Rock, called "The Longships," on the Coast of Cornwall, is held by Henry Pascoe
 Smith, Esquire, by virtue of a like Lease from the said Master, Wardens and Assistants :

10 And whereas by an Act of the third year of GEORGE the Fourth, intituled, "An Act for (among other things) enabling the Corporation of Trinity House of Deptford Strond to reduce, alter, modify, relinquish or abolish Dues payable to the said Corporation, and for other purposes
 15 connected therewith," it was enacted, that the Master, Wardens and Assistants might with any surplus monies then or thereafter in their hands, arising from any Tolls theretofore or thereafter, to purchase any Beacons, Buoys, Light-houses or other Marks and Signs for the Sea, or any interest therein, or in any Tolls arising therefrom belonging to any
 20 Body Corporate or Politic, or to any Person; and that all such Bodies or Persons, and all other Persons whomsoever possessed thereof or interested therein, might contract for the sale thereof with the said Master, Wardens and Assistants, and might convey the same to them :

And whereas, by virtue of the last-mentioned Act, the said Master, Wardens and Assistants have purchased certain Estates and Interests
 25 in Lighthouses and Tolls from parties possessed thereof :

And whereas the several Lighthouses upon the Coasts of Scotland are under the control and management of the Commissioners of the Northern Lighthouses acting by virtue of an Act of the twenty-sixth year of GEORGE the Third, intituled, "An Act for erecting
 30 certain Lighthouses in the Northern Parts of Great Britain," and of several other Acts for rendering the last-mentioned Act more effectual :

And whereas the several Lighthouses upon the Coasts of Ireland are under the control and management of the Corporation for preserving and improving the Port of Dublin acting by virtue of an
 35 Act of the fifty-second year of GEORGE the Third, intituled, "An Act to make more effectual provision for enabling the Corporation for preserving and improving the Port of Dublin, to erect, repair and maintain Lighthouses and Lights round the Coasts of Ireland, and to raise a Fund for defraying the Charges thereof:"

Harbour
Lights.

And whereas there are also divers other Lights exhibited in and near to certain Ports, Harbours and Places on the Coasts of England for the guidance of Vessels entering or resorting to the same, and sometimes called Local or Harbour Lights, which Lights are under the control and management of Commissioners, Trustees and other local Officers and persons : 5

And whereas, in order to the attainment of uniformity of system in the management of Lighthouses, and the reduction and equalization of the Tolls payable in respect thereof, it is necessary that all Lighthouses upon the Coasts of England and other places adjoining or near thereto, for the protection and guidance of Vessels navigating the British Seas, and the Tolls payable in respect thereof, should be vested in the said Master, Wardens and Assistants, and that the several Lighthouses upon the Coasts of Scotland and Ireland respectively should be under their supervision : 15

And whereas in order to prevent accidents which may arise from Local or Harbour Lights being mistaken for Coast Lights, it is necessary that they also should be made subject to the control of the said Master, Wardens and Assistants ;

1.
Property of
Crown in
Lighthouses
transferred to
Trinity
House.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT on and after the *First* Day of January One thousand eight hundred and Thirty-Seven, all the estate, right and interest of his Majesty, in the several Lighthouses at Harwich, Dungeness, Wintertonness, Orfordness and Hunstanton Cliff, and in the land whereon the same respectively stand, and the buildings, lands and appurtenances thereunto respectively belonging, and occupied for the purposes of the same respectively, and the fixtures, apparatus and furniture thereunto belonging, and the tolls and duties payable in respect thereof shall be transferred to and shall absolutely be vested in the said Master, Warden and Assistants, subject, nevertheless, to the several subsisting leases of the said several Lighthouses and Premises granted by His Majesty or by the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings, to the several persons under whose control and management the said Lighthouses respectively now are, as hereinbefore is mentioned. 20 25 30 35

2.
For making a
Compensation
to Land
Revenues for
such Transfer.
[Note.—This
clause is to be
added in
Committee.]

AND whereas it is just that compensation should be made to the Land Revenues of the Crown for the surrender which will be made under this Act, of the Rights of the Crown in the said several Lighthouses of Harwich, Dungeness, Wintertonness, Orfordness and Hunstanton Cliff ; and whereas the interests of the Crown in the said several 40

several Lighthouses, as such interests would exist on the said *First* day of *January*, One thousand eight hundred and *Thirty-seven*, in case this Act had not been passed, have been calculated and ascertained to be worth in money, to be paid on the said *First* day of *January*, One thousand eight hundred and *Thirty-seven*, the sum of

5 Pounds: And whereas, by virtue of the powers contained in several Acts passed in the fifty-third, fifty-fourth and fifty-seventh years of *GEORGE* the Third, and the first and fifth years of *GEORGE* the Fourth, for the management and improvement of the
 10 Land Revenues of the Crown, or in some of them, advances have been made from time to time out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the purposes of the said Acts, to the amount in the whole of Six hundred thousand Pounds. And whereas, by the said last mentioned Acts, and by another Act
 15 of the tenth year of *GEORGE* the Fourth, intituled, "An Act to consolidate and amend the Laws relating to the management and improvement of his Majesty's Woods, Forests, Parks and Chases of the Land Revenue of the Crown, within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland, and for
 20 extending certain Provisions relating to the same to the Isles of Man and Alderney," the said sum of Six hundred thousand Pounds so advanced, is made a charge upon and is payable out of the possessions and Land Revenues of the Crown, whenever the annual produce of those Revenues shall cease to be carried to and form part of the Con-
 25 solidated Fund of the United Kingdom of Great Britain and Ireland, and shall be retained by the Crown as part of its hereditary revenue. And whereas, it is expedient that such compensation should be granted by reducing the amount chargeable upon the possessions and Land Revenues of the Crown in respect of the advances made under the
 30 several hereinbefore mentioned Acts: BE it therefore further Enacted, That so soon as the estate, right and interest of His Majesty, in the several Lighthouses hereinbefore mentioned, shall vest in the said Master Warden and assistants under this Act, the amount chargeable upon the possessions and Land Revenues of the Crown
 35 in respect of the advances to the extent of Six hundred thousand Pounds, so made out of the Consolidated Fund under the recited Acts, shall be reduced to the sum of Pounds, and such last-mentioned sum only shall be then chargeable upon the possessions and Land Revenues of the Crown, under the authority of the recited Acts, in-
 40 stead of the said sum of Six hundred thousand Pounds at present charged thereon.

And be it further Enacted, That the said Master, Wardens and Assistants may agree with the lessees or other persons interested in the said several Lighthouses at Harwich, Dungeness, Wintertonness and Hunstanton Cliff, under the several leases so granted

The Trinity House empowered to purchase Lighthouses &c.

thereof by His Majesty, or by the Commissioners of His Majesty's woods, forests, lands, revenues, works and buildings, and with the owners of and persons interested in or hereinafter capacitated to agree for the sale of the Lighthouses in the Schedule to this Act mentioned, and the land whereon the same several Lighthouses respectively stand, and the buildings, lands and appurtenances thereto belonging or occupied for the purposes of the same respectively, and the fixtures, apparatus and furniture thereunto belonging, and the tolls or duties payable in respect thereof, and of all rents, rent-charges, annuities or payments charged thereon or payable in respect thereof, for the absolute purchase thereof, and of all or any estates and interests therein, for such purchase-money as shall be agreed upon; and that all other persons whosoever, who, at or immediately before the making of this Act, were seised or possessed of, or entitled to, or interested in any such Lighthouse, whether mentioned in the said Schedule or included in any such lease as aforesaid, may agree with the said Master, Wardens and Assistants for the absolute sale thereof, or of such estate or interest therein, for such purchase-money as to the contracting parties shall seem reasonable; and all such agreements shall be effectual in the law, and for the purposes only of every such agreement and sale, and for preventing any question respecting the validity thereof by reason of any defectiveness of title in the party making the same, the persons who shall have been or shall be in possession of any such Lighthouse, at the time from which the purchase thereof respectively shall take effect, and all persons claiming under such person, or under or consistently with the possession of such persons, shall be deemed to have a complete title: Provided always, that no such contract shall be made by the said Master, Wardens and Assistants, without previous consent in writing by the Lord High Treasurer, or of the Commissioners of His Majesty's Treasury, for the time being, or any three or more of them; and the power hereby provided to agree for such sale as shall extend to all Corporations and all tenants for life or in tail, or any other partial or qualified estate or interest, husbands, guardians, trustees or feoffees in trust for charitable or other purposes, executors, administrators, committees, and all trustees and other persons whomsoever, not only for and on behalf of themselves and their own respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in reversion, remainder or contingency after them, if incapacitated, and as to such husbands and guardians also for and on behalf of their respective wives and wards, and as to such committees for and on behalf of the lunatics and idiots of whom they shall be the committees respectively, and as to all such corporations, tenants, trustees and feoffees in trust, executors, administrators and other persons as aforesaid, also for and on behalf of their cestuique trusts, whether infants, issue unborn, lunatics, femmes covert or other persons, and all femmes covert in the same manner as if they were sole and unmarried, seised,

seised, possessed of or interested in their own right, whether in fee-simple, fee-tail or for life or years or otherwise, or entitled to dower or any other interest: Provided always, That previous to entering into any agreement under this clause the said Master, Wardens and Assistants shall cause
 5 public notice to be given of such tenor and in such form as they shall think fit for the purpose of having the estates, rights and interests to be purchased in pursuance of this Act, ascertained, and the amount of the purchase-money claimed for the same settled; such Notice to be published in the London Gazette and in *One* of the provincial News-
 10 papers circulated within the county in which or near whereto such Lighthouse shall be situated, and a copy of the same Notice to be also affixed upon such Lighthouse.

And be it Enacted, That if the names or descriptions of any of the Lighthouses, referred to in this Act, or in the Schedule hereto, or
 15 of any of the persons stated to be the Owners or Lessees thereof, or interested therein or in the Tolls payable in respect thereof, shall happen to be mis-stated or omitted herein or in the said Schedule, such mis-statement or omission shall not prevent the execution of this Act; but such Lighthouse and Tolls shall notwithstanding be effectually
 20 vested in the said Master, Wardens and Assistants for the purposes of this Act.

4.
 Misnomers not to prevent the execution of this Act.

AND in order to facilitate the completion of the purchases of the said Lighthouses, with as little delay as possible, and to provide the means of obviating any difficulties and settling any differences
 25 which may arise in adjusting the terms of purchase, or from the refusal or incapacity of any party to treat, BE it Enacted, that in any of the cases hereinafter-mentioned, the said Master, Wardens and Assistants may refer the matter to the determination of a Jury, and for that purpose the proceedings hereinafter mentioned shall be taken.

5.
 Jury to settle differences as to value.

30 And be it Enacted, That the cases in which the matter may be referred to the determination of a Jury, shall be the following, that is to say, if any Corporation, Trustee or other person interested or entitled and capacitated to sell, contract or agree as aforesaid, shall not agree with the said Master, Wardens and Assistants as to the amount
 35 of such purchase-money; or if any of the parties entitled to receive such purchase-money shall refuse to accept such purchase-money as shall be offered by the said Master, Wardens and Assistants, and shall give notice thereof in writing to the said Master, Wardens and Assistants, by leaving the same at the Trinity House in London within *Thirty*
 40 Days next after such offer shall have been made, and the party giving such notice shall therein request that the matter in dispute may be submitted to the determination of a Jury; or if any of such parties shall for the space of *Thirty* Days next after such public notice as

6.
 Manner of proceeding where the Parties cannot agree, or by absence, &c. shall be prevented from treating.

aforesaid shall have been affixed, published and given as hereinbefore mentioned, neglect or refuse to treat, or shall not agree, or by reason of absence or other cause shall be prevented from treating with the said Master, Wardens and Assistants for the sale of their respective estates and interests, or the respective estates and interests which they respectively are hereby capacitated to sell therein, or shall by reason of any impediment or disability not provided for by this Act be incapable of effectually making such agreement or sale thereof, or shall not disclose and prove the state of the title to the premises of which they respectively may be in possession, or which they respectively claim to be entitled unto or interested in; or in case the said Master, Wardens and Assistants shall not, within the period of *Three* calendar Months next after the expiration of such notice as aforesaid, have ascertained to their satisfaction in whom any such Lighthouse is lawfully vested, or the persons entitled or by this Act capacitated to sell as aforesaid.

7.
For summon-
ing Jury.

And be it Enacted, That in the event of any matter being referred to the determination of a Jury, and in order thereto, the following are the proceedings which shall be observed, that is to say, the said Master, Wardens and Assistants shall issue a warrant or precept under their common seal, or under the hand of their Secretary for the time being, to the Sheriff of the county wherein or next whereunto any such Lighthouse shall be situate, requiring him to summon, return and impanel, and the said Sheriff is hereby accordingly empowered and required to summon, return and impanel a Jury of not less than *Twenty-four* sufficient and indifferent men, qualified according to the laws of this realm to serve on Special Juries for trials of issues in His Majesty's Courts of Record at Westminster; and the persons to be so summoned, returned and impanelled shall appear before the said Sheriff, at such time and place within the said county as in such precept shall be appointed, and attend from day to day until discharged; and out of the persons so to be summoned, returned and impanelled, or out of such of them as shall appear, a Jury of *Twelve* men shall be impanelled by the said Sheriff, or by some person to be by them respectively appointed, in such manner as Special Juries for trials of issues joined in His Majesty's Courts of Record at Westminster are by law directed to be impanelled; and all parties concerned may have their lawful challenges against any of the said Jurymen, but shall not challenge the array; and the said Sheriff shall summon before him all persons who shall be thought necessary to be examined as witnesses touching the matter in question, and may use all such other lawful ways and means, as well for his own as for the said Jury's better information, as shall be requisite in the premises; and such Jury shall upon their oaths, or, being Quakers, upon their solemn affirmations (which oaths and solemn affirmations, as well as the oaths and

and solemn affirmations of all persons who shall be called upon to give evidence, the said Sheriff is hereby empowered and required to administer), inquire of and assess, and give a verdict for the true value of such Lighthouse, as may be the subject of such inquiry; and the said Sheriff shall accordingly give judgment for such purchase-monies as shall be assessed by such Jury; which said verdict and the judgment thereon to be pronounced as aforesaid, shall be conclusive upon all persons whatsoever: Provided always, That not less than *Forty-two Days*' notice in writing of the time and place at which such Jury are so required to be returned, shall be given by or on the part of the said Master, Wardens and Assistants to the party with whom any such controversy shall arise, by causing the same to be published in the London Gazette and in such provincial Newspaper as aforesaid, and also to be affixed upon the Lighthouses, in respect of which such inquiry shall be had: Provided also, That in every proceeding before any such Jury, the party claiming such purchase-money shall be deemed to be the Plaintiff, and the said Master, Wardens and Assistants the Defendants.

And be it Enacted, That in case a sufficient Jury to take the Inquisition shall not appear upon the return of the Precept, the Sheriff shall from time to time, until a sufficient Jury shall have been obtained by the means aforesaid, adjourn the inquiry to any future day, not exceeding *Fourteen Days*, nor less than *Four Days* from the adjournment thereof; and when a sufficient number of Jurors shall appear, he shall proceed to swear and impanel *Twelve* of them, who shall inquire as aforesaid.

8.
In default of
Jurors, the
Sheriff to
adjourn the
Inquiry.

Provided always, and be it Enacted, That no person shall be summoned or chosen to be of such Jury who shall be an owner of or possess any estate or interest, directly or indirectly, in any such Lighthouse.

9.
Persons in-
terested not to
be Jurymen.

And be it Enacted, That no person shall be heard before the said Sheriff and the Jury touching the matter of the inquiry, unless a previous notice in writing, of *Fourteen Days* at the least before the taking of such inquisition, shall be given to the said Master, Wardens and Assistants, by leaving the same at the Trinity House in London, or at the office of the Solicitor of the said Master, Wardens and Assistants for the time being, containing a full and particular statement of the nature and extent of the estate or interest in respect whereof such person shall claim to be heard.

10.
No person to
be heard upon
the inquiry
without giving
previous
notice of his
claim.

Provided always, and be it Enacted, That in case no person shall appear, pursuant to such notice so to be given and affixed as aforesaid, then the said Sheriff as aforesaid, and also the said Jury, shall proceed

11.
In case no
person shall
appear pur-
suant to
notice, Inqui-
sition to be

taken upon
the best infor-
mation.

upon the best information they can obtain to make such Inquest or Judgment, and such Inquest and Judgment shall be final and conclusive as if all parties concerned had appeared and been heard.

12.

Jury to settle
the propor-
tions of the
Purchase-
money to be
paid to the
Owners of
particular
Estates.

And be it Enacted, That the Jury at the time of assessing the value of any such Lighthouse, shall (if thereunto required) settle what shares and proportions of the purchase-money assessed shall be allowed to any person for any his particular estate, term or interest in the premises, that may be shown to be existing therein respectively at the time of the taking the Inquisition.

13.

Annuities, &c.
shall not,
after purchase
thereof by the
Trinity House,
be a charge on
the Grantor.

Provided always, and be it Enacted, That every Payment, Rent, Rent-charge, Annuity, Payment or Incumbrance so purchased by the said Master, Wardens and Assistants, from the time when the purchase-money for the same so agreed upon or assessed, shall have been paid by them, shall be thereupon deemed to be satisfied and extinguished, and that no Action or Suit or other proceeding shall thenceforth be had or taken in respect of the same, except to recover such arrears as may have grown due thereon before the same shall have been so purchased.

14.

Allowance to
Sheriffs and
Jurors.

And be it Enacted, That each Juryman who shall be summoned, and who shall appear, and be ready to be sworn or affirmed upon any such Inquest, shall be allowed his reasonable travelling Expenses to and from the place of meeting, and that each Juryman who shall be sworn or affirmed shall, in addition thereto, be allowed for his trouble and subsistence the sum of *One Pound One Shilling* for each day's attendance, and no more, and that the Sheriff for summoning, returning and impannelling the Jury, and taking and recording their verdict and the judgment to be given thereon, shall be allowed the sum of *Ten Pounds* and no more, and for his subsistence the further sum of *One Pound One Shilling* for each day's attendance, in addition to his reasonable travelling expenses to and from the place of meeting; which respective allowances, in case of dispute, shall be determined by *Two* Justices of the Peace in and for the said County, and shall be paid by the said Master, Wardens and Assistants, or their order.

15.

Fines on
Sheriff, Jury
and Witnesses
for non-
attendance.

And be it Enacted, That any Justice of the Peace for the County, to the Sheriff of which any such precept may be directed, may impose any reasonable fine, not exceeding the sum of *Ten Pounds*, on such Sheriff or his Under-sheriff, Deputy or Deputies, Bailiffs or Agents respectively making default in the premises, and on any of the persons who shall be summoned and returned on any such Jury, and shall not appear, without sufficient excuse, or appearing shall refuse to be sworn (or being one of the people called Quakers, to make affirmation) on the said Jury, or being so sworn, or having so made affirmation, shall

shall not give his or their verdict, and also on any person who shall be summoned to give evidence touching any of the matters referred to, and shall not attend, or attending shall refuse to be sworn or to affirm or be examined, or to give evidence, and on any person
 5 who shall in any other manner wilfully neglect his duty in the premises, contrary to this Act.

And be it Enacted, That every such Jury shall be subject to the same regulations, pains and penalties as if such Jury had been returned for the trial of any issue joined in any of His Majesty's Courts of
 10 Record at Westminster, and that all persons who, in any such inquiry to be made by virtue of this Act, shall wilfully give false evidence upon oath or solemn affirmation before the said Sheriff or his Deputy and such Jury be prosecuted for the same, and upon conviction thereof, shall be subject to such punishments and disqualifications as
 15 persons are subject to for wilful and corrupt *Perjury*.

And be it Enacted, That the said Verdicts and Judgments, and all other proceedings of the Sheriff or his Deputy, and the Juries respectively, shall be fairly written on Parchment, and signed by the Sheriff or his Deputy, and shall be transmitted to and kept by the Clerk of
 20 the Peace or by the person having the custody of the Records of the Quarter Sessions of the County or Division in which or next whereunto such Lighthouse shall be situate, and shall be deposited with and be Records of such Quarter Sessions; and the same, or copies thereof, shall be allowed to be evidence in all courts whatsoever;
 25 and all persons shall have liberty to inspect the same upon paying for such inspection the sum of *Five Shillings*.

And be it Enacted, That in case a verdict shall upon any such inquiry be given for a greater sum of money than shall have been offered by the said Master, Wardens and Assistants previously to the
 30 summoning of such Jury, or in case, by reason of absence or other impediment or disability, there shall not be found any person legally capacitated to receive the purchase-money, then all the reasonable costs, charges and expenses of causing and procuring such Purchase-money to be assessed and awarded, and of so assessing and awarding
 35 the same, shall be settled by the Sheriff or his Deputy, lawfully constituted, and shall be paid by the said Master, Wardens and Assistants; but in case any verdict shall be given for the same sum of money as shall have been previously offered by the said Master, Wardens and Assistants, or for a less sum than shall have been so
 40 previously offered, or in case of such refusal to treat by any person by this Act or otherwise, legally empowered to treat for and receive such Purchase-money, then all the reasonable costs, charges and

16.

Juries to be under the same regulations as in Courts at Westminster.

17.

Verdicts to be deemed Records, and Copies Evidence.

18.

Cost of ascertaining amount of Purchase-money provided for.

expenses of causing and procuring such Purchase-money to be assessed and awarded, and of so assessing and awarding the same (being first so taxed); shall be paid in manner following ; (that is to say) one *moiety* thereof shall be paid by the said Master, Wardens and Assistants, and the other *moiety* shall be deducted out of the sum so to be assessed or awarded ; and the payment or tender of the remainder shall be taken to be a payment or tender of the whole sum.

19.
Purchase-money, &c.
how to be paid.

And be it Enacted, That every such Purchase-money as shall be so agreed for, or so assessed under this Act shall, within next after such agreement shall have been concluded, or within next after the amount of such Purchase-money shall have been so assessed, be paid by the said Master, Wardens and Assistants, either to the person entitled to receive the same, or into the Bank of England, in manner hereinafter mentioned, in cases where the same is hereby directed to be paid into the Bank of England.

20.
Lighthouses, &c. to vest in the Trinity House immediately on payment or tender of the Purchase-money or sums awarded for same.

And be it Enacted, That immediately upon payment or tender of the Purchase-money therein being made either to the party or parties respectively entitled to receive such monies or into the Bank of England, in the manner in this Act directed respectively, as the case may require, every such Lighthouse, or estate or interest therein, in respect whereof such monies shall have been so paid or tendered, shall thereupon absolutely vest in the said Master, Wardens and Assistants, and their successors ; and they shall thenceforth be deemed to be in the actual possession thereof, discharged from all other estates, reversions, rights, titles, interests, claims and demands of any other person, or the Tolls payable in respect thereof, and also from all rents or payments whatsoever issuing out of, or reserved or charged upon, or made payable in respect of the same, or the Tolls payable in respect thereof, to or for the use of any person ; and so soon as any such Lighthouse shall in manner aforesaid become vested in the said Master, Wardens and Assistants, the Tolls which shall then be by law payable in respect of any such Lighthouse shall thenceforth become payable to and recoverable by the said Master, Wardens and Assistants, and be applied as are other the like Tolls now payable to them.

21.
Debts charged on Lighthouses to be still charged thereon.

Provided always, and be it Enacted, That where any Payment shall be legally charged upon any Lighthouse, or where any sum of money shall have been advanced by any person upon the security of any such Lighthouse, then such Lighthouse and the Tolls to be from time to time payable in respect thereof, shall remain subject to such payment, or so much thereof as shall be unpaid at the time when such Lighthouse, shall vest in the said Master, Wardens and Assistants, until they shall have purchased the same payment, under this

5 this Act; and every person to whom any such payment shall be payable, shall from the time when such Lighthouse shall have so vested in the said Master, Wardens and Assistants, and until such payment shall have been so purchased by them, have such and the like means of enforcing his security against the said Toll, to be from time to time collected by the said Master, Wardens and Assistants, as he could have had if this Act had not been passed, against the Tolls now payable in respect of such Lighthouse.

10 Provided also, and be it Enacted, That where any ascertained sum of money, or any interest for the same, shall be remaining unpaid and charged upon any such Lighthouse, or the Tolls payable in respect of the same, and the said Master, Wardens and Assistants shall have due notice thereof, then they may retain the amount of such sum of money and interest respectively, from the amount of the purchase-money, 15 and they shall thereupon pay over the amount of such sum of money and interest respectively so remaining unpaid to the person to whom the same shall be payable; and if such person to whom such sum of money or interest shall be payable, shall be a feme covert, infant, lunatic or otherwise under a general disability or incapacity to give 20 a discharge for such sum of money or interest respectively, then they shall cause the same to be paid into the Bank of England, in the name and with the privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, "Ex parte the Corporation of Trinity House of Deptford Strond," in such manner and pursuant 25 to such method, and subject to such orders and to be so dealt with, applied and disposed of as is hereinbefore pointed out in respect of the monies which shall belong to femes covert, infants, lunatics or other persons under a general disability or inability to sell, for the purchase of any Lighthouse.

22.
Such Debts to be deducted out of the Purchase-money.

30 And be it Enacted, That all such purchase-money which shall belong to any body politic or corporate, or any feme covert, infant, lunatic or other person under a general disability or incapacity to sell, shall, in case the same shall amount to or exceed *Two hundred* Pounds, with all convenient speed be paid into the Bank of England, in the name and with the privity of the Accountant General of the Court 35 of Exchequer, to be placed to his account there, "Ex parte the Corporation of Trinity House of Deptford Strond," pursuant to the method prescribed by an Act of the first year of GEORGE the Fourth, intituled, "An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account 40 of the Suitors of the said Court, and for the appointment of an Accountant General and two Masters of the said Court, and for other

23.
Directing application of money when amounting to 200*l.* and upwards.

purposes, and shall be subject to the general orders of the said Court and without fee or reward, to the intent that such Money shall be applied under the direction and with the approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary way by the person who would have been entitled to the annual profits or produce of any estate or interest in such Lighthouse, in the purchase of houses, buildings, lands, tenements or hereditaments which shall be conveyed and settled to, for and upon such and the like uses, trusts, intents and purposes, and in the same manner as such Lighthouse stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect, and in the mean time, until such purchase shall be made, the said money shall, by order of the said Court of Exchequer upon application thereto, be invested by the said Accountant General in his name in the purchase of Three Pounds per centum Consolidated or Three Pounds per centum Reduced Bank Annuities; and in the meantime until the said Bank Annuities shall be ordered by the said Court to be sold for the purposes aforesaid, the dividends and annual produce thereof shall from time to time be paid by the order of the said Court to the person who would for the time being have been entitled to the annual profits and produce of such Lighthouse in case the same had not been purchased or taken by the said Master, Wardens and Assistants under this Act.

24.
Application
when less
than 200*l.* and
not more
than 20*l.*

And be it Enacted, That if any Purchase-money of any such Lighthouse belonging to any person under disability or incapacity shall be less than *Two hundred* Pounds, and shall exceed *Twenty* Pounds, then the same shall be at the option of the person for the time being entitled to the annual profits or produce of such Lighthouse, or of his guardian, or committee or trustee, or person acting as such, to be signified in writing under their respective hands or common seal, be paid into the Bank of England, in the name and with the privity of the Accountant General of the Court of Exchequer, and be placed to his account aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same shall be paid at the like option to *Two* Trustees to be nominated by the person making such option, and approved of by the said Master, Wardens and Assistants; such nomination and approbation to be signified in writing under the hands or common seal of the nominating and approving parties, in order that such principal money and the dividends arising thereon may be applied in any manner hereinbefore directed, so far as the same shall be applicable, without its being necessary to obtain the direction or appointment of the said Court.

And

And be it Enacted, That where such Purchase-money shall be less than *Twenty* Pounds, then the same shall be applied to the use of the person who would for the time being have been entitled to the annual produce of such Lighthouse, in such manner as the said Master, Wardens and Assistants shall think fit; or in case of infancy or lunacy, or other incapacity or disability to sell, then to his guardian, or committee or trustee, or other person acting as such, for the use of such person so entitled; and the receipt of the person so entitled, and the receipt of the person to whom the said Master, Wardens and Assistants shall direct the same to be paid, shall be a discharge.

25.
Application when Money under 20l.

And be it Enacted, That in case any Person to whom any sum of money shall be awarded, shall refuse to accept the same, or shall not be able to make a title to such Lighthouse, to the satisfaction of the said Master, Wardens and Assistants, or in case the person to whom any sum of money shall be awarded cannot be found, or if the person entitled to such Lighthouse, be not known or cannot be discovered, then the said Master, Wardens and Assistants may order the said sum assessed and awarded as and for any purchase-money to be paid into the Bank of England, in the name and with the privity of the Accountant-general of the Court of Exchequer, to be placed to his account, to the credit of the said Master, Wardens and Assistants, and of the parties interested (describing them), subject to the order of the said Court of Exchequer; which said Court, on the application of the said Master, Wardens and Assistants, or any party making claim to such sum of money, or any part thereof, by motion or petition, may in a summary way of proceeding or otherwise, as to the same Court shall seem meet, order the same to be invested in the public funds, and may order distribution thereof, or payment of the dividends thereof, according to the respective estate or interest of the party making claim thereto, and may make such other order in the premises as to the said Court shall seem just; and the Cashier of the Bank of England who shall receive any such sum of money shall give a receipt for the same, specifying for what and for whose use the same is received.

26.
In case of no making out Titles, or if persons cannot be found.

Trinity House to order the Purchase-money to be paid into the Bank, subject to the order of the Court of Exchequer on motion or petition.

And be it Enacted, That where any question shall arise touching the title of any party to any money paid into the Bank of England in pursuance of this Act, as purchase-money, or to any Bank Annuities purchased therewith, or to the dividends of any such Annuities, the party who shall have been in possession of such Lighthouse or in the possession and enjoyment of the annual profits or produce of such tolls, or in the actual perception of such rent, rent-charge, payment, annuity or incumbrance at the time of such purchase-money being agreed upon or awarded, shall be taken to have the complete title thereto, according to such possession and enjoyment,

27.
When any question shall arise touching the title to the money to be paid, the person in possession at the time shall be deemed entitled according to such possession, unless, &c.

until the contrary shall be shown to the satisfaction of the said Court of Exchequer; and the dividends or interest of the said Bank Annuities shall be applied accordingly, and the said Court shall on the application of the said Master, Wardens and Assistants, or of any party claiming such purchase-money or Bank Annuities, order such proceedings to be taken for the purpose of deciding upon the validity or invalidity of the claim of such party as to the Court shall seem meet. 5

28.

Expenses of such purchases to be paid by Trinity-house.

And be it Enacted, That where, by reason of any disability or incapacity of the person entitled to any such Lighthouse, the purchase-money shall be required to be paid into the Bank of England, and be subject to the orders and directions of the Court of Exchequer, under the provisions herein contained, the said Court may order all the reasonable costs, charges and expenses attending such purchase, taking or using of any lands, tenements and hereditaments, or which may be incurred in consequence thereof, and also of the investment of the purchase or compensation-money paid in respect of such lands, tenements and hereditaments in real or Government securities; and likewise the re-investment of such purchase or compensation-money, or the Government and real securities purchased therewith, in the purchase of houses, buildings, lands, tenements and hereditaments as hereinbefore mentioned, together with the costs, charges and expenses of obtaining the proper orders and of the other proceedings for such purposes, and of the payment of the dividends and interest of the said Government or real securities, and of the payment of the principal of the said purchase-money, and of the Government or real securities purchased therewith out of court, to be paid by the said Master, Wardens and Assistants; and the said Master, Wardens and Assistants shall from time to time pay such sums of money for such purposes as the said Court shall direct, out of the monies applicable to the purposes of this Act. 10 15 20 25 30

29.

Compensation to Officers, &c. discharged.

And be it Enacted; That the said Master, Wardens and Assistants, out of the tolls which shall be received by them under this Act, may, by and with the consent of the Lord High Treasurer or of the Commissioners of His Majesty's Treasury for the time being, pay to any of the officers or servants now employed on account of any of the Lighthouses to be vested in the said Master, Wardens and Assistants under this Act, or in the collection of the tolls payable in respect thereof, and whom they may not have occasion to retain in their said office, such reasonable pension by way of annual or quarterly payments as to them shall seem proper: Provided always, That no such pension, shall exceed the proportion with reference to the amount of his salary and the time of his service which may be granted as a superannuation allowance 35 40

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allowance to officers and clerks in the public service under an Act of the fourth and fifth years of His present Majesty, intituled, "An Act to alter, amend and consolidate the Laws for regulating the Pensions, Compensations and Allowances to be made to Persons in respect of
5 their having held Civil Offices in His Majesty's Service."

AND the better to enable the said Master, Wardens and Assistants to carry into effect the purposes of this Act; BE it further Enacted, That the said Master, Wardens and Assistants, may by and with the consent of the Lord High Treasurer or of the Lords Commissioners of
10 His Majesty's Treasury for the time being or of any *Three* or more of them, by bond or writing under their common seal, borrow at such rate of interest as shall be agreed upon in that behalf, any sums of Money that shall appear to them to be necessary for enabling them to complete the purchase of the said several Lighthouses, in the said
15 Schedule to this Act mentioned, and to carry the purposes of this Act into execution; and the Lord High Treasurer may from time to time out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, lend to the said Master, Wardens and Assistants, upon the security of such bonds or writings, such sums of Money as the said
20 Lord High Treasurer shall think fit, upon application in writing, to be made to him for such purpose by the said Master, Wardens and Assistants, such loan to be applied by them for any of the aforesaid purposes; and from the time of any such bond or writing being so made and given for any of the aforesaid purposes, the said Master,
25 Wardens and Assistants from time to time shall keep down the interest which shall have accrued due on any such bond or writing, or may pay off the whole or any part of the principal money secured thereby, together with the arrears of interest thereon, from the proceeds of any such tolls which may at the time be payable
30 to them.

30.
Power to
borrow
Money.
[Note.—This
Clause is to
be added in
Committee.]

AND whereas certain Tolls are by law payable in respect of certain of the Lighthouses, referred to in this Act as being under the control and management of individuals, and also in respect of certain other Lighthouses, now under the control and management of the said
35 Master, Wardens and Assistants, on foreign Ships and Vessels, over and above the Tolls payable in respect of such Lighthouses, on British Ships and Vessels; but the Vessels of certain Foreign Powers have, by virtue of Conventions and Treaties heretofore entered into with such Foreign Powers, and by Orders of His Majesty in Council, been
40 exempted from the payment of such extra Tolls; and provision hath been made for indemnifying the several persons entitled thereto, by payment of the same out of the Consolidated Duties of Customs, upon the *passing of this Act* in respect of all such Lighthouses, as are

31.
Extra
Duties on
Foreign Ships
privileged
under the
Reciprocity
Acts no longer
to be paid.

under the control and management of the said Master, Wardens and Assistants; BE it therefore Enacted, That upon the completion of every purchase by the said Master, Wardens and Assistants of the Tolls payable in respect of any Lighthouse, in respect of which Lighthouse, such extra Tolls are so payable on foreign Vessels; 5
all such extra tolls shall cease and determine, and shall no longer be paid or payable, out of the consolidated duties of Customs.

32.
If Reciprocity
Conventions
cease, their
Duties to be
again payable.

Provided always, and be it further Enacted, That if at any times hereafter, any of the said Conventions and Treaties shall determine, 10
or any of the said Orders of His Majesty in Council shall be re-
voked, then the said extra tolls or duties shall again be levied on
the ships and vessels of Foreign Powers on which, prior to such
Conventions, Treaties and Orders such extra tolls and duties were
payable; and the amount of all such extra tolls and duties shall 15
be paid and payable by the said Master, Wardens and Assistants to
the Consolidated Fund of the United Kingdom of Great Britain and
Ireland.

33.
Duties for the
North and
South Fore-
land Lights to
vest in the
Trinity
House dis-
charged of the
rent to the
Crown.

AND whereas the said Master, Wardens and Assistants are seised in fee of the Lighthouses at the North and South Forelands, in the County of Kent, and the land occupied therewith, and are entitled to 20
receive certain Tolls in respect thereof, under a warrant for a lease
from the Crown, subject to the payment of a certain rent in respect
thereof; BE it Enacted, That from the

all the

Tolls now payable in respect of the said Lighthouses shall be vested 25
in the said Master, Wardens and Assistants, and their successors,
freed from the said rent, and shall thenceforth continue to be payable
to and receivable by them, as are other the like Tolls now payable
to them.

34.
Powers of the
Acts relating
to the Sker-
ries, Spurn
Point and
Tinmouth
Castle Lights
to be ex-
tended to the
Trinity
House.

And be it Enacted, That immediately from the completion by the 30
said Master, Wardens and Assistants of the respective purchases of
any of the several Lighthouses called respectively the Skerries, Spurn
Point and Tinmouth Castle Light, all the powers which are by the
recited Act of the third year of GEORGE the Second and the recited
Acts of the sixth, twelfth and forty-second years of GEORGE the 35
Third respectively, granted to or in favour of the persons interested
in such Lighthouses, or for the better maintenance of the same Light-
houses respectively, or in regard to the payment and collection of
Tolls in respect thereof, shall be exercised by the said Master,
Wardens and Assistants under this Act. 40

35.
Vesting the
Lighthouse
at Heligoland

AND whereas there hath for a long series of years been a Lighthouse upon the Island of Heligoland, and a Light exhibited therefrom for the protection

protection and guidance of Ships and Vessels navigating the German Ocean, or entering or departing from the Rivers Elbe and Weser, and such Lighthouse was rebuilt in or about the year One thousand eight hundred and Ten: AND whereas a Floating Light was established in

and the Bem-
bridge Light in
the Trinity
House.

5 on Bembridge Ledge, in the English Channel: AND whereas the said Lighthouse and Light have since those times been respectively maintained by and at the cost of His Majesty; BE it therefore further Enacted, That from the *passing of this Act*, the said Lighthouse at
10 Heligoland, with the land, buildings and appurtenances thereunto belonging or occupied for the purpose thereof, and all the fixtures, apparatus and furniture respectively belonging thereto, and the Floating Light on Bembridge Ledge aforesaid, with the Vessel from which the same is exhibited, and the tackle, furniture and stores belonging to the said
15 Vessel, together with the furniture and apparatus of and belonging to the said Floating Light, shall become the property of and absolutely vest in the said Master, Wardens and Assistants, and their Successors, and they shall thenceforth be deemed to be in the actual occupation thereof, freed from all former and other estates, rights, titles, interests,
20 claims and demands whether of His Majesty, or of any other person; and the maintenance, control and management of the said Lighthouse and Floating Light shall thenceforth be in the said Master, Wardens and Assistants as are the several Lighthouses and Floating Lights now belonging to them.

25 AND whereas the Tolls received in respect of the Lighthouse in the island of Heligoland are insufficient to defray the necessary expenses of maintaining the same, and the excess of expenses beyond the receipts has become a considerable charge on his Majesty's Government; AND whereas foreign ships and vessels, although they derive great
30 benefit from the said Lighthouse do not at present pay any Toll in respect thereof, and it is reasonable that such foreign vessels should contribute to the expenses of the same, so far as they are benefited thereby; BE it therefore further Enacted, That from the

36.
Duties to be
taken in re-
spect of the
Heligoland
Light.

the several Tolls now
35 levied and taken in respect of the said Light so exhibited on the said Island of Heligoland shall cease and be no longer received, and that in lieu thereof the said Master, Wardens and Assistants may from the said
from time to time receive towards the maintenance of the Lighthouse, and the exhibition of a proper Light therefrom, the sum of *One*
40 Penny per Ton for every Vessel (not belonging to His Majesty), for each time that such Vessel shall depart from any Port or place within the United Kingdom of Great Britain and Ireland, to any Port or place at, within or near to the entrance of the Rivers Elbe

and Weser, or either of them, and the like Toll upon every Vessel (not belonging to His said Majesty), for each time that such Vessel shall arrive at any Port or place within the said United Kingdom, from any Port or place at, within or near to the entrance of the said Rivers or either of them.

5

37.
Powers of the
6 Geo. 3. c. 31.
and 42 Geo. 3.
c. 43. in favour
of the Trinity
Houses of
Hull and New-
castle-upon-
Tyne, re-
pealed.

And be it Enacted, That so much of the recited Act of the sixth year of GEORGE the Third, as gives to the Corporation of the Trinity House of Hull any authority, superintendence or control over the Lighthouses therein referred to, and so much of the recited Act of the forty-second year of GEORGE the Third, as gives to the Master, Wardens and Assistants of the Corporation of the Trinity House of Newcastle-upon-Tyne authority to inspect the Lighthouse in the last-mentioned Act referred to, shall be hereby Repealed.

38.
Trinity
House to have
control over
Pier and Har-
bour Lights.

And be it Enacted, That from
no new Light, Beacon or Sea Mark shall be exhibited
or altered, or caused or permitted to be exhibited or altered, nor shall any
now existing Light, Beacon or Sea Mark be altered or caused or per-
mitted to be altered by any Trustees, Commissioners, Corporation, Com-
pany, Local Officer or Person whatsoever heretofore authorized so to
do, on any Pier, or in or near to any Port or Harbour on the Coasts of
England, or on any of the Islands, Rocks or other places adjoining or
near to the same, for the guidance of Ships and Vessels navigating by
and along the said Coasts; or entering or resorting to or departing from
any Port, Harbour, Canal or other place without the sanction in writing
of the said Master, Wardens and Assistants having been first obtained
in that behalf; and all such persons shall in all things conform to
such reasonable orders and alterations as the said Master, Wardens
and Assistants shall from time to time make and direct, as to the
description and power of any such Light, and the character of any
such Beacon or Sea Mark, and the mode of exhibiting the same respec-
tively; due notice of such orders and alterations being first given by
the said Master, Wardens and Assistants to them.

39.
Vessels of the
Trinity House
to be exempt
from Dues.

And be it Enacted, That all the vessels, yachts, barges and boats of or
in the employ of the said Master, Wardens and Assistants from time to
time, and at all times whilst they shall be in the actual bonâ fide service
of the said Master, Wardens and Assistants, may pass and repass by and
along the Coasts of the United Kingdom, and all Lighthouses erected
or exhibited upon or near the said coasts, and pass and repass into
or out of any harbour, port, creek, river, canal or other place in the
said United Kingdom, and (if need be) be moored and abide within the
same, respectively without being liable to any harbour or port dues,
pier duties, river or canal dues, light dues, pilotage dues, or other
rates,

rates, tolls, dues, duties, taxes, demands, or payments whatsoever, for or in respect of their so doing, any law, statute, charter, grant, prescription, custom, usage or bye-law to the contrary thereof in anywise notwithstanding.

5 And be it Enacted, That from the
the Tolls now payable by or in respect of Vessels
for or towards the maintenance of the several Lighthouses, upon the
Coasts of Scotland, shall cease to be payable, and that in lieu
thereof there shall thenceforth for ever be paid to the said Commis-
10 sioners of the Northern Lighthouses, for every Vessel belonging to
the United Kingdom of Great Britain and Ireland (the same not
belonging to His Majesty, His heirs or successors or being navigated
wholly in ballast), and every Foreign Vessel which by any Act of Par-
liament, Order in Council, Convention or Treaty shall be privileged to
15 enter the Ports of the said United Kingdom, upon paying the same
duties of tonnage as are paid by British Vessels (the same not being
Vessels navigated wholly in ballast), which shall pass any of the said
Lighthouses, or derive benefit thereby, the Toll of
per Ton of the burthen of every such Vessel for each time of passing
20 every such Lighthouse, or deriving benefit thereby, and *double* the said
Toll for every Foreign Vessel not so privileged.

40.
Duties here-
after to be paid
in respect of
Lighthouses,
&c. on the
Coasts of
Scotland.

And be it Enacted, That from the *passing of this Act*, all
Payments heretofore made to the said Commissioners of the Northern
Lighthouses, and to the Corporation for preserving and improving
25 the Port of Dublin respectively, out of the Consolidated Duties of
Customs, in lieu of any extra Tolls payable on Foreign Vessels in
respect of any Lighthouse, on the Coasts of Scotland or Ireland re-
spectively, shall cease.

41.
All Payments
to the Com-
missioners and
Corporation
from the
Consolidated
Duties of
Customs in
respect of
extra Tolls on
Foreign Ships
to cease.

And be it Enacted, That the said Commissioners of the Northern
30 Lighthouses, and the said Corporation for preserving and improving
the Port of Dublin respectively, may from time to time erect, set up,
place and maintain, such new or other Lighthouses, in such places
on the Coasts and Islands of Scotland and Ireland respectively as to
them shall seem expedient; and also from time to time so alter
35 or remove any Lighthouses on the said Coasts, and so vary the
mode of exhibiting Lights from any such Lighthouse as to them
shall seem expedient: Provided always, That no such new Light-
house shall be erected on the said Coasts and Islands of Scot-
land or Ireland, nor shall any Lighthouse be removed or the charac-
40 ter thereof altered by the said Commissioners or the said Corporation
respectively, until they shall have given to the Master, Wardens and
Assistants of the Trinity House of Deptford Strond Months'

42.
Power to the
Commis-
sioners and
the Corpora-
tion for the
Port of
Dublin to
erect other
Lighthouses,
&c. in Scot-
land and Ire-
land.

notice in writing of their intention so to alter, remove or vary the same, by leaving such notice at the Trinity House in London, together with the grounds of such their intention; and if the said Master, Wardens and Assistants shall see ground to disapprove of the erection of any such intended new Lighthouse or any such intended removal or alteration of the character of any existing Lighthouse or shall suggest any improvement therein respectively, and shall notify such their disapproval or suggestion (as the case may be) to the said Commissioners or Corporation, within the said space of Months next after receiving such notice, then such disapproval or suggestion, so to be notified as aforesaid, shall be conclusive on the said Commissioners and Corporation respectively, nor shall it in any such case be lawful to the said Commissioners or Corporation to carry into effect any such proposed or intended erection, work, removal, alteration or variation, except in such manner and form as the said Master, Wardens and Assistants shall so as aforesaid have suggested or approved of, and the Master, Wardens and Assistants may from time to time suggest to the said Commissioners and Corporation respectively alterations in relation to the management of such Lighthouses, or in relation to the form of the Lights exhibited therefrom, or the times or manner of so exhibiting the same; and of such their suggestions may cause written notice to be from time to time given to the said Commissioners and Corporation respectively, by leaving the same at the Office of the said Commissioners in Edinburgh, or at the Office of the said Corporation at Dublin (as the case may be); and thereupon, the Commissioners or Corporation (as the case may be) shall with all convenient speed conform to and carry into effect such suggestions.

43.
Commissioners to be at liberty to submit Suggestions to The King in Council.

Provided always, and be it Enacted, That if the said Commissioners or Corporation (as the case may be) shall be dissatisfied with any such disapproval as aforesaid, they shall without delay cause a copy of the notification of such disapproval or of such suggestions (as the case may be) to be laid before His Majesty in Council, together with their remarks thereon; and His Majesty thereupon may make Orders to the said Commissioners or Corporation, with respect to any such disapproval, as to His Majesty in Council shall seem fitting; and the same Commissioners or Corporation (as the case may be) shall thenceforth in all things conform to all such last mentioned orders.

44.
Trinity House authorized to enter and view the Lighthouses on the Scotch and Irish Coasts,

And be it Enacted, That the said Master, Wardens and Assistants and their successors, and their engineers, workmen and servants, may from time to time and at all times enter the Lighthouses on the Coasts of Scotland and Ireland respectively, to view the condition thereof or otherwise for the purposes of this Act.

And

And be it Enacted, That from the time when any such new Lighthouse, shall under this Act have been so erected upon the Coasts of Scotland and Ireland respectively, and so long as a Light shall be exhibited from such Lighthouse during the night season, there shall be paid to the said Commissioners or Corporation who shall have erected the same by the Owner or other person having the command of any Vessel not belonging to His Majesty which shall pass such Lighthouse or derive benefit thereby, such reasonable Toll as shall have been first approved in that behalf by His Majesty in Council.

45.
Duties to be payable in respect of new Lighthouses on the Coasts of Scotland and Ireland.

10 Provided always, and be it Enacted, That as soon as any such new Lighthouse shall have been so erected upon the Coasts of Scotland and Ireland respectively under this Act, and the Toll to be paid for the same shall have been approved, notice thereof shall be given by such of them the said Commissioners or Corporation as shall have erected
15 such Lighthouse *Three* several times in the London Gazette, and also in *Two* or more of the principal Daily Papers in Edinburgh and Dublin respectively; (that is to say) in *Two* or more of the principal Daily Papers circulated in Edinburgh when such new Lighthouse shall be erected on the Coasts of Scotland, and in *Two* or more of the principal
20 Daily Papers circulated in Dublin when such new Lighthouse shall be erected on the Coasts of Ireland; and the Toll to be paid in respect of such Lighthouse shall not become payable until next after the date of the last of such Notices.

46.
Notice of new Lights to be published in the Gazette, &c.

And be it Enacted, That every such new Lighthouse erected on the
25 Coasts of Scotland and Ireland respectively under this Act, and the Tolls payable in respect thereof, shall immediately on the erecting of such Lighthouse and the establishment of such Tolls be vested in such of them the said Commissioners and Corporation respectively as shall have erected such Lighthouse, and in their respective successors, as the
30 Lighthouses now on the Coasts of Scotland and Ireland respectively, and the Tolls payable in respect thereof, are now vested in them respectively.

47.
New Lighthouses, &c. and the Tolls thereof to vest in the Commissioners or Corporation.

And be it further Enacted, That from the *passing of this Act*, all bodies corporate or collegiate, trustees or commissioners, and
35 all persons whomsoever, having any Lighthouse in Scotland and Ireland respectively, or on or near the respective coasts thereof, whether under the authority of Parliament or any charter or usage, may surrender the same to the said Commissioners or Corporation as the case may be, who are hereby empowered to accept the same if
40 they think fit; and such Lighthouse being so surrendered and accepted, shall thenceforth be under the management and control of the said Commissioners or Corporation (as the case may be), and be subject to the same regulations, and the tolls payable in respect thereof

48.
Lighthouses may be surrendered to Trinity House.

shall be subject to be reduced, relinquished or modified in like manner as other the Lighthouses of the said Commissioners and Corporation respectively, and the tolls payable in respect thereof.

49.
Duties, how
to be collected.

AND for the more uniform and better collection of the Tolls payable in respect of Lighthouses throughout the United Kingdom, and for affording greater facility to parties paying the same; BE it Enacted, That from

the Collectors from time to time appointed by the said Master, Wardens and Assistants for Ports and places in England, and the like Collectors appointed by the said Commissioners for Ports and places in Scotland as aforesaid, and the like Collectors appointed by the said Corporation for Ports and places in Ireland, shall collect, demand and receive the Tolls to which every Vessel in the Port or place, or within the limits for which such Collectors respectively shall be appointed, shall be liable in respect of any Lighthouse upon the Coasts of whatsoever part of the said United Kingdom such Lighthouse may be situate; and such Collectors respectively shall account for and pay over all the Tolls received by them to such of them, the said Master, Wardens and Assistants, Commissioners and Corporation, as such Collectors respectively shall have been so appointed by; and the said Master, Wardens and Assistants, Commissioners and Corporation shall in every year mutually account for, with and pay over to each other all such Tolls as shall have been received by any of them for the others of them respectively under this Act.

50.
Duties, when
to be collected.

And be it Enacted, That no Officer of the Customs of His Majesty, at any of the Ports, Harbours or places of the said United Kingdom, who shall be required in manner hereinafter mentioned to ascertain that such tolls have been paid, shall receive any entry or report or cocquet or other discharge or clearance inwards or outwards for any Vessel liable to any tolls payable in respect of any Lighthouse, in whatever part of the United Kingdom the same may be, until the Owner, Master or other person having the command of such Vessel or his agent, shall show to such Officer of the Customs, a voucher for the payment of such tolls, signed by some Collector appointed by the said Master, Wardens and Assistants, Commissioners or Corporation, in respect of such Port, Harbour or place (if any such Collector shall have been so appointed); and so often as it shall happen that there shall be no such Collector appointed by the said Master, Wardens and Assistants, Commissioners or Corporation, in respect of any such Port, Harbour or place, then until the amount of such tolls to which any such Vessel entering or departing from any such Port, Harbour or place shall be liable, shall have been paid to the Collector or other chief Officer of His Majesty's Customs at such Port, Harbour or place, who shall

shall receive such tolls, and cause the amount thereof to be paid to the said Master, Wardens and Assistants, Commissioners or Corporation; (that is to say) where the Port, Harbour or place shall be in England, to the said Master, Wardens and Assistants; where the said
5 Port, Harbour or place shall be in Scotland, to the said Commissioners; and where the said Port, Harbour or Place shall be in Ireland, to the said Corporation; the said Officer of His Majesty receiving such tolls and paying the same, being allowed such reasonable commission in respect thereof, as to the said Master, Wardens and Assistants,
10 Commissioners and Corporation respectively shall seem meet, so that the same shall not exceed five per cent. on the sums collected by him; and the Commissioners of His Majesty's Customs shall from time to time, if thereunto requested by the said Master, Wardens and Assistants, Commissioners or Corporation, require some one Officer of His Ma-
15 jesty's Customs, at every such Port, Harbour or place, to ascertain that such tolls have been paid, and shall from time to time give such orders to such Officer in relation thereto as shall seem necessary for securing the collection of the said tolls according to any regulation then in force respecting such collection.

20 And be it Enacted, That in case any Master or Owner or other person having the charge of any Vessel liable to the payment of any Tolls in respect of any Lighthouse, shall refuse or neglect to pay any such Tolls to which such Vessel shall be liable, to the Collector authorized to receive the same, the said Master, Wardens and Assistants,
25 Commissioners and Corporation respectively, or their Collector, or the Collector or Chief Officer of His Majesty's Customs, or other person entitled to receive the same, may seize and carry away any of the goods, merchandize, guns, tackle, furniture or apparel of or belonging to or on board of any such Vessel (leaving notice thereof
30 on board such Vessel), and detain the same for the space of *Three* full Days then next, unless the said Tolls and all arrears thereof due in respect of such Vessel, shall in the meantime be satisfied; and in case all such Tolls and arrears thereof shall not, before the expiration of such *Three* Days, have been satisfied, then the said Master, Wardens
35 and Assistants, Commissioners or Corporation, or their Collector, or the Collector or other Chief Officer of His Majesty's Customs or other person entitled to receive the same, or such person as they appoint in that behalf, may cause the same goods, merchandize, guns, tackle, furniture or apparel so seized, to be appraised by *Two* or more
40 sufficient persons or Sworn Appraisers, within a reasonable space of time then next following, and may thereupon sell the same, and out of the proceeds of such sale pay the amount of the tolls or arrears thereof, to which such Ship shall be liable, together with the reasonable charges of the seizure, detention, appraisement and sale, rendering to the Master

51.
Power of
distress for
Duties.

or Owner or other person having the command of such Vessel the over-
plus (if any) on demand.

52.
Duties may
be recovered
by Action or
Suit.

Provided nevertheless, and be it Enacted, That notwithstanding any
thing in this Act contained, the said Master, Wardens and Assistants,
and the said Commissioners and the said Corporation (as the case
may be), may sue by action of debt or suit in equity in any of His
Majesty's Courts of Record in Great Britain or Ireland, for the amount
of any such Tolls payable to them on account of any Vessel, in respect
of any Lighthouse, against the Owner, or Master or other person
having the command of such Vessel.

53.
Duties
throughout
the United
Kingdom to
be subject to
be reduced,
&c.

AND whereas by the recited Act of the third year of GEORGE
the Fourth, the said Master, Wardens and Assistants were empowered
from time to time upon the requisition or with the consent of His
Majesty in Council to reduce, relinquish or modify, in manner
therein mentioned, tolls therein mentioned; and in exercise of the
said power, have with such consent reduced and modified sundry
of the Tolls in the recited Act mentioned, to the great relief of the
Owners of Vessels liable thereto: AND whereas, in order to the
further relief of the Owners of Vessels, it is expedient that the
powers of the recited Act given to the said Master, Wardens and
Assistants should be enlarged and extended to the several Tolls
now or hereafter payable to the said Master, Wardens and Assistants,
and that the like powers should be given to the said Commis-
sioners and Corporation respectively in relation to the Tolls now
or hereafter payable to them in respect of Lighthouses, on the
Coasts of Scotland and Ireland respectively; BE it therefore Enacted,
That the said Master, Wardens and Assistants, Commissioners and
Corporation respectively, may from time to time, upon the requisition
or with the consent of His Majesty in Council, reduce, relinquish or
modify the Tolls now or hereafter payable to them in respect of any
Lighthouse, upon the like regulation or with the like consent, and may
revive and re-establish, or increase, or otherwise modify any such Tolls
when so relinquished or modified, and so from time to time, as often
as occasion shall require, in such manner and form and subject to such
conditions and limitations, as the said Master, Wardens and Assistants
are now by law empowered to do in respect of the tolls mentioned in
the recited Act of, the third year of his late Majesty's reign.

54.
Regulations to
be made for
relief of Ships
and Vessels
with regard to
Duties.

And be it Enacted, That the said Master, Wardens and Assistants,
Commissioners and Corporations respectively, from time to time
upon the like requisition, or with the like consent of His Majesty in
Council, may make regulations for the purpose of relieving certain
Vessels from the Tolls then payable to the said Master, Wardens and
Assistants,

5 Assistants, Commissioners and Corporation respectively, in respect
 of any Lighthouses, upon such terms and to such extent as to them
 respectively shall seem proper, or for the purpose of substituting any
 other class of toll or other payment in respect of Vessels, or any
 particular description of Vessels, in lieu of the tolls to which such
 10 Vessels may be subject at the time of the making such regulations re-
 spectively, or for the purpose of altering the times and places or
 either of them at which any tolls in respect of any Lighthouses
 shall be payable; and may revoke or alter any such regulation, and
 15 from such regulation taking effect, the tolls thereby made payable shall
 be paid by the Owners and Masters of the Vessels mentioned therein
 (unless otherwise directed by such regulation), and be recoverable by
 the said Master, Wardens and Assistants, Commissioners and Cor-
 20 poration respectively as were the tolls in lieu whereof the same shall
 have been so made payable: Provided always, That no such regulation
 or revocation or alteration of any such regulation shall take effect
 until the same shall have been submitted by the said Master, Wardens
 and Assistants, Commissioners and Corporation respectively to, and
 shall have been assented to and confirmed by His Majesty in Council,
 25 and such assent and confirmation shall have been signified in
 writing to the said Master, Wardens and Assistants, Commissioners
 and Corporation respectively not until
 after the said Master, Wardens and Assistants, Commissioners and
 Corporation respectively shall have caused notice of such regulation,
 30 or of such revocation or alteration of any regulation (as the case may
 be), to be published in the London Gazette.

AND to the intent that the amount of the Tolls from time to
 time payable to the said Master, Wardens and Assistants, Commis-
 sioners and Corporation respectively upon Vessels, in respect of
 30 Lighthouses, and also the Regulations from time to time in force con-
 cerning them, may be publicly made known; BE it further Enacted,
 That as soon as conveniently may be after the said Master, Wardens
 and Assistants shall have completed the said purchases by this Act
 authorized to be made, and shall, upon the requisition or with the
 35 consent of His Majesty in Council, have altered, modified or reduced
 the Tolls hereby vested in them, or made regulations concerning the
 same, they shall cause to be drawn up a Table of all the Tolls
 payable to them upon Vessels in respect of any Lighthouses, together
 with a Summary of such Regulations as shall have been made by
 40 them concerning the same, upon such requisition or with such consent
 as aforesaid, and shall cause the same to be laid before His Majesty
 in Council, and the same shall be signed by the Clerk of the Council,
 and enrolled or entered amongst the public records thereof; and the said
 Master, Wardens and Assistants shall cause a printed copy of such Table,
 together with such Summary to be delivered to the Commissioners

55.
 Tables of
 Tolls and
 Regulations to
 be hung up in
 Custom
 Houses.

of His Majesty's Customs at His Majesty's Custom House in London,
 and a printed copy thereof to be also forwarded to His Majesty's
 principal Officer of Customs at each Port or place within the United
 Kingdom for which any such Officer shall be appointed; and the
 said Commissioners and Corporation respectively shall within 5
 next after the *passing of this Act*, in like manner cause to be drawn up
 a like Table of all the Tolls payable to them respectively upon Vessels,
 in respect of any Lighthouses, on the Coasts of Scotland and Ireland
 respectively, with a Summary of such Regulations as shall have been
 made by them concerning the same, upon such requisition or with such 10
 consent as aforesaid, and shall cause the same to be laid before His
 Majesty, or in Council and the same shall be signed and enrolled or
 entered as aforesaid; and the said Commissioners and Corporation
 respectively shall cause printed copies of such Tables respectively,
 together with such Summary to be so delivered and forwarded, and 15
 so from time to time as often as any alteration in the amount of any
 such Tolls or any new regulation or alteration of any existing regula-
 tion concerning the same shall be made, the said Master, Wardens
 and Assistants, Commissioners and Corporation respectively shall, with
 all convenient speed, cause fresh Tables of such Tolls and a Sum- 20
 mary of every such new regulation or alteration to be laid before His
 Majesty, in Council, where the same shall be so signed and entered as
 aforesaid; and the said Master, Wardens and Assistants, Commis-
 sioners and Corporation respectively shall cause printed copies thereof in
 like manner to be delivered at His Majesty's Custom Houses in Lon- 25
 don, Edinburgh and Dublin respectively, and forwarded to such several
 principal Officers of Customs within the United Kingdom; and the
 Commissioners of His Majesty's Customs for the Port of London,
 Edinburgh and Dublin respectively, and all other His Majesty's prin-
 cipal Officers of Customs for any such Port or place to whom any 30
 such copies shall be so delivered or forwarded, shall cause the same
 to be kept constantly hung up and preserved, as long as the same shall
 remain in force, in some conspicuous part of His Majesty's Custom
 Houses in London, Edinburgh and Dublin respectively, or other the
 Custom House for any such Port or place, so that the said Tables 35
 may be seen and read by all persons having any business in such
 Custom Houses respectively; and the Tolls specified in any such
 Table, when so signed and entered shall be the lawful Tolls or Duties
 payable to the said Master, Wardens and Assistants, Commissioners
 and Corporation respectively, and the same and none other shall 40
 be received by them respectively upon the Vessels, in respect of the
 Lighthouses, therein referred to, and in such manner and form as shall
 be directed therein, or in such Summary so therewith drawn up and
 entered as aforesaid; and a copy of any such Table examined with
 the original so entered, and so purporting to be signed as aforesaid,
 shall be deemed and taken in all courts of law and other places to be
 evidence

evidence of the right to recover such Tolls according to the tenor thereof.

5 AND whereas the Sands and Shoals upon the Coasts of the United Kingdom are in many places liable to vary their form so considerably
as to occasion changes in the course of the navigation near the same,
and it is therefore expedient for the more effectual security of Ships
and Vessels navigating the Seas off and near to the Coasts of the said
United Kingdom, that power should be given to alter from time to time
the position of the Lighthouses, erected or placed for the protection of
10 Vessels, as occasion may require; BE it therefore Enacted, That
when any Lighthouse shall by reason of any variation or change in the
form of any such Sand or Shoal become unnecessary in the situation
in which the same shall then be, and shall become necessary, or would
from such or any other cause be more useful in some other situation,
15 the said Master, Wardens and Assistants, Commissioners and Corporation respectively may upon the requisition or with the consent of
His Majesty in Council, remove and discontinue any such Lighthouse,
and erect, another or other Lighthouses, instead thereof, where they shall
be found better adapted for the purpose of protecting Ships and
20 Vessels from damage; and from the time at which such new Lighthouse
shall have been so erected, and so long as the same shall be maintained,
and a Light shall be exhibited therefrom during the night season,
the Tolls thereof payable in respect of such Lighthouse, so removed
or discontinued, shall be payable in respect of such new
25 Lighthouse and the said Master, Wardens and Assistants, Commissioners
and Corporation respectively, may thenceforth collect and have the
same Tolls for the maintenance of any such new Lighthouse, from or
in respect of such and the same Vessels, and to be collected, recovered
and applied as were the Tolls in respect of the Lighthouse
30 so removed or discontinued: Provided always, That where any such
Lighthouse shall be so removed and discontinued, and any new Lighthouse
shall be erected instead thereof, notice of such removal and discontinuance,
and of the erection of such new Lighthouse, shall be published by the
said Master, Wardens and Assistants, Commissioners
35 and Corporation respectively, *Three* several times in the London
Gazette, and also in *Two* or more of the Daily Papers circulated in
Edinburgh, in case such new Lighthouse shall be erected on the
Coast of Scotland; and in *Two* or more of the Daily Papers circulated
in Dublin, in case such new Lighthouse shall be erected on the Coast
40 of Ireland.

56.
Power to alter
the situation
of Light-
houses.

AND whereas it sometimes happens that Fires and Lights are burnt
at or caused by kilns, factories or other works situate on the coasts of
England, so as to be mistaken at sea for Lighthouses, whereby vessels
navigating along or near to the said coasts are exposed to much peril, and

57.
Remedy in
respect of
Fires, &c. on
the Coast
which may be
mistaken for
Lights and
Seamarks.

it is expedient that a sure and speedy remedy be provided for such inconvenience ; BE it therefore further Enacted, That if any Fire or Light shall at any time hereafter be burnt at or caused by any kiln, factory, furnace, chimney, building or other work, in such manner and form, or at such times or in such place on or near to any part of the coasts of England, as to be subject and liable to be mistaken at sea for any Lighthouse on or near to any part of such coasts for the protection and guidance of vessels, and the owner or other person having the care or management of such kiln, factory, furnace, building or other work, shall not within a reasonable time after notice to that effect shall have been delivered to him or them, or left at such kiln, factory, furnace, chimney, building or other work, by the said Master, Wardens and Assistants (such reasonable time to be specified in such notice), take effectual means in order to prevent the fire or light burnt at or caused by the same from being so as aforesaid mistaken at sea for any such Lighthouse, every such owner or other person so having the care or management of such kiln, factory, furnace, chimney, building or other work so making default as aforesaid, shall be deemed guilty of a common nuisance, and over and besides all other pains and penalties by law inflicted upon persons guilty of a common nuisance, shall be subject to a penalty of Pounds, to be levied and recovered in a summary way before any *One* or more of His Majesty's Justices of the Peace acting in and for the county wherein or next whereunto such kiln or factory, furnace, chimney, building or other work shall be situate, upon complaint to him or them in that behalf by the said Master, Wardens and Assistants, or one of their agents ; and such penalty (unless forthwith paid) shall and may be levied by distress and sale, under the warrant of such Justice or Justices, of the goods and chattels of the person who shall be adjudged guilty of such nuisance, and shall go and be applied (after first defraying thereout the reasonable costs and charges of recovering the same), to or for the use of the parish or union where such offence shall have been committed, or such default made to be applied in aid of the poor rate of such parish or union ; and if the owner or other person having the care or management of such kiln, factory, furnace, chimney, building or other work shall still fail or neglect to abate such nuisance for and during the space of Days next after such penalty shall have been adjudged by or before such Justice or Justices, then it shall be lawful for the said Master, Wardens and Assistants, their agents or workmen, thereupon forthwith to enter upon such kiln, factory, furnace, chimney, building may work, or the land whereon or near whereto the same may be situated, and, at the expense of such owner or other person, to abate the said nuisance, or take such other convenient measures in regard thereto as to them shall seem meet, in order to prevent the fire or light from time to time burnt at or produced by such kiln, factory, furnace, chimney, building or other work from being so mistaken for

for any Lighthouse on or near to the said coasts for the protection and guidance of ships and vessels as aforesaid (the said Master, Wardens and Assistants, and their agents and workmen aforesaid, doing no unnecessary damage to the owner or occupier of such kiln, factory, furnace, chimney, building or other work); and the said Master, Wardens and Assistants shall and may recover the expense of so abating such nuisance, or of such other measures so by them taken in regard thereto under the authority of this Act (with *treble* costs of suit), in any of His Majesty's Courts of Record at Westminster, by action of debt or on the case, against any one or more of such owners, or against the person having the care or management of such kiln, factory, furnace, chimney, building or other work; and no conviction, order, direction or warrant made or purporting to be made by virtue of this Act, shall be quashed for want of form, or be removed by certiorari or otherwise into any of His Majesty's Courts of Record at Westminster.

And be it Enacted, That the said Master, Wardens and Assistants, Commissioners and Corporation respectively shall within after the Meeting of Parliament in every year lay before each House of Parliament a true account of the receipt and application of all Monies which shall have been received and applied by them respectively, for any such Tolls in respect of any Lighthouse, together with a Report of the principal alterations and improvements (if any) that shall have been made by them respectively, in any Lighthouse, in the course of the then last past year.

58.
Accounts to be laid before Parliament annually.

And be it Enacted, That in case any suit or action shall be commenced against the said Master, Wardens and Assistants or any other person for any thing done in pursuance of this Act, the Defendant or Defendants in such suit or action may plead generally, that the matters complained of in and by such suit or action were done by the authority of this Act of Parliament, and may give the special matters in evidence.

59.
General Plea for matters done in pursuance of this Act.

And be it Enacted, That in the provisions of this Act, which relate to the purchase of Lighthouses, and to the application of the purchase money thereof, the word Lighthouse shall be construed to include (as the case may be), Lighthouse, Light or Sea marks, and all lands, buildings, fixtures, apparatus and furniture belonging thereto and occupied therewith, and all tolls or duties, or other profits or produce arising in respect of such Lighthouse, Light or Sea marks, or its appurtenances, and any estate or interest therein, and every rent, rent charges, annuity, payment or incumbrance thereon or thereunto, and the words "Purchase Money" shall include compensation as well as purchase money, and whether ascertained by agreement between the Master, Wardens and Assistants and the party interested, or by assessment by a jury;

60.
Interpretation Clause.

and the word "Payment" shall include all rents, rent charges, annuities or sums of money payable, and the word "Sheriff" shall include Under Sheriff or other legally competent Deputy, and the word "Precept" shall include "Warrant," and the word "Person" shall include bodies politic or corporate, and in all other parts of this Act, the word Lighthouse shall include Lighthouses, Lights, Sea marks, floating Lights, Beacons, Buoys and other marks or signs for the sea, whether the same be erected or placed on or near to the coast; and the word "Tolls" shall in every part of this Act include every species of duty or payment payable by the owners and masters of ships and vessels in respect of a Lighthouse, floating Light, Sea mark, Buoy or Beacon; and the word "Vessel" shall include "Ship," and the expression "Officer of the Customs" shall include Collector, Comptroller, Receiver of Entries, Surveyor or Searcher, Waiter or any other Officer of Customs of His Majesty, or his Deputy or Clerk; and the expression "His Majesty" shall include the heirs and successors of His Majesty; and the expression "His Majesty in Council" shall mean His Majesty acting by and with the advice of His most Honourable Privy Council, while that office is performed by Commission; and the word "Lord High-Treasurer" shall mean also the Lords Commissioners of His Majesty's Treasury, or any *Three* or more of them; and the word "Commissioners" shall mean Commissioners of the Northern Lighthouses, and the word "Corporation" shall mean Corporation for preserving and improving the Port of Dublin, and the word "England" shall mean England and the Principality of Wales; and in describing any persons or things, any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things, and any word importing the masculine shall include also the feminine gender, unless in any of such cases there shall be something in the subject or context repugnant to such construction.

61.
Public Act.

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such by all Judges, Justices and others.

THE SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

SKERRIES.
SPURN POINT.
TINMOUTH CASTLE.

SMALLS.
LONGSHIPS.

Lighthouses.

A

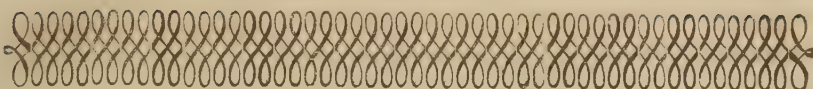
B I L L

For vesting Lighthouses, Lights and Sea Marks on the Coasts of England in the Corporation of Trinity House of Deptford Strond, and for making Provisions respecting Lighthouses, Lights, Buoys, Beacons and Sea Marks, and the Tolls and Duties payable in respect thereof.

(Prepared and brought in by
Mr. Poulett Thomson and Mr. Labouchere.)

Ordered, by the House of Commons, to be Printed,
23 June 1836.

10 May 1836.—6 WILL. IV.



(Ireland.)

A

B I L L

To amend the Laws relating to Loan Societies in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **E**R **E**A **S** certain Institutions for establishing Loan Funds Preamble.
have been and may be established in Ireland for the
benefit and advantage of the labouring classes of His Majesty's
Subjects; and it being expedient to give protection to the Funds of
5 such Institutions, and also to afford encouragement to the formation
of other Institutions of a like kind; **B**E **i**t **t**herefore **E**nacted, by The
KING's most Excellent MAJESTY, by and with the Advice and Con-
sent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
10 **T**HAT if any number of persons who shall form any Society in any
parish, township or place in Ireland, for the purpose of establishing
a Society for a Loan Fund for the industrious classes in Ireland, and
receiving back payment for the same by instalments, with the legal
interest due thereon, shall be desirous of having the benefit of this
15 **A**ct, such persons shall cause the Rules or Regulations framed or
to be framed for the management of such Institution to be certified,
deposited and enrolled in manner hereafter directed, and thereupon
shall be deemed and be entitled to, and shall have the benefit of the
provisions contained in this Act.

1.
Rules of
Society to be
enrolled.

20 **A**nd be it further Enacted, That in order to provide and lay down
a clear, explicit and general system of Rules and Regulations through-
out the whole establishment of Loan Fund Societies to be hereafter
established in Ireland, there shall be one permanent, general and

2.
A central
Board to be
formed in
Dublin.

central Board in Dublin, denominated the Loan Fund Board; the members of which shall be chosen with the approbation of the Lord Lieutenant, or other Chief Governor or Governors of Ireland for the time being, and which Board shall form full and explicit Rules and Regulations for the establishment of such or any Loan Fund Societies, and shall also from time to time appoint Trustees, Officers, Clerks and Inspectors for the same, or remove them therefrom, such Board to have the conducting and general management of all such Societies to be established under the provisions of this Act. 5

3.
In case of death or resignation, fresh Members to be chosen.

And be it further Enacted, That in case any of the members of the Board as aforesaid should happen to die, or be minded and desirous to be discharged from the duties or offices thereof, then that it shall and may be lawful for such Board, or a majority of the members thereof, with the approbation of the Lord Lieutenant or Chief Governor of Ireland for the time being, to appoint any other fit and proper person or persons, in the room and stead of the person or persons so happening to die, or be minded and desirous to be discharged as aforesaid; and the individual or individuals so chosen as last aforesaid shall from time to time, to all intents and purposes, be as full and efficient to discharge the necessary duties of such Board as the person or persons so happening to die, or be minded and desirous of being discharged from the duties or offices thereof. 10 15 20

4.
Rules to be enrolled with the Clerk of the Peace.

And be it further Enacted, That all the Rules and Regulations of any Society to be entitled to the benefit of this Act shall be certified, and an authenticated copy or transcript thereof deposited and enrolled with the Clerk of the Peace for the county, county of a city, county of a town or borough, or any other place, as the case may be, where such Institution for the time being shall be established, gratuitously, and without any fee or reward whatever. 25

5.
Societies to record their Rules at the Board in Dublin, and to conform to the Rules and Instructions of that Board.

And be it further Enacted, That all Loan Fund Societies to be entitled to the benefit of this Act shall cause an authenticated copy or transcript of all the Rules and Regulations of such Societies to be deposited or recorded with such Loan Fund Board in Dublin as aforesaid, and shall conform to and abide by the Rules and Regulations made from time to time by such Board, which shall be transmitted to such Clerk, Manager or other person conducting the affairs of such Loan Fund Societies, wherever established. 30 35

6.
Rules and Regulations to be entered in a Book to be kept by the Officer of the Society.

And be it Enacted, That all Rules and Regulations from time to time made and in force for the management of any such Society as aforesaid, and duly enrolled, shall be entered in a book or books to be kept by an Officer of such Institution, to be appointed for that purpose, and which book or books shall be open at all seasonable times 40

times for the inspection of persons receiving assistance from such Institution, and shall be binding on the several members and officers of such Society, and the several persons receiving assistance from the same, and their representatives, as well as those parties
5 who may become the sureties for the repayment of any Loan, all of whom shall be deemed and taken to have full notice thereof by such entry and deposit with the Clerk of the Peace; and the entry of such Rules and Regulations in such book or books as aforesaid, or the transcript thereof deposited with the Clerk of the Peace, or a
10 true copy of such transcript examined with the original, and proved to be a true copy, shall be received as evidence of such Rules and Regulations respectively in all cases; and no Certiorari shall be brought or allowed to remove any such Rules or Regulations into any of His Majesty's Courts of Record; and every copy of any
15 such transcript deposited with any Clerk of the Peace as aforesaid shall be made without fee or reward, except the actual expense of making such copy, and such copy shall not be subject to any stamp duty.

And be it further Enacted, That all monies, goods, chattels and
20 effects whatsoever shall be vested in the Trustee or Trustees of such Institution for the time being for the use and benefit of such Institution, and the respective members thereof, their respective executors and administrators, according to their respective claims and interest, and after the death, resignation or removal of any Trustee or Trustees,
25 shall vest in the succeeding Trustee or Trustees for the same estate and interest as the former Trustee or Trustees had therein, and subject to the same trusts, without any assignment or conveyance whatever; and also shall for all purposes of action or suit, as well criminal as civil, in law or equity, in anywise touching or concerning
30 the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be the property of the person or persons appointed to the office of Trustee or Trustees of such Institution for the time being, in his or their proper name or names, without further description; and such person or persons shall and
35 they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in law or equity, touching or concerning the property right of claim aforesaid of such Institution, and to sue and be sued, plead and be impleaded in his or their proper name or names, as
40 Trustee or Trustees of such Institution, without other description; and no suit, action or prosecution shall be discontinued or abate by the death of such person or persons, or his or their removal from the office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees, in the proper name or names of such person or persons commencing the
251. same,

7.
Property of
Societies
vested in
Trustees.

same, any law, usage or custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names, for the benefit of or to be reimbursed from the funds of such Institution.

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8.
No Treasurer,
Director or
Trustee to
receive any
remunera-
tion.

Provided also, and be it further Enacted, That no such Institutions as aforesaid shall have the benefit of this Act, unless it shall be expressly provided by the Rules and Regulations for the management thereof, that no person or persons being Treasurer, Director, Trustee or Manager of such Institutions shall receive any salary or other remuneration for attendance, or any other services performed for such Institutions, save only and except such salaries and allowances, or other necessary expenses as shall, according to such Rules, Orders and Regulations, be provided for the charges of managing such Institutions, and for remuneration to Officers employed in the management thereof, exclusive of the Treasurer or Treasurers, Director or Directors, or other persons having the management and direction of such Institution, who shall not directly or indirectly have any salary or other allowance whatsoever therefrom.

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9.
Treasurer to
give Security.

And be it further Enacted, That if any Treasurer or other Officer or Officers, or other person whatsoever, who shall be intrusted with the receipt or custody of any sum or sums of money the property of such Institution, or any interest or dividend arising from time to time thereby, shall be required by the Rules or Regulations of such Institution to become bound with sureties for the just and faithful execution of such office or trust, in such sum or sums of money as shall be required by the Rules and Regulations of such Institutions, such security shall and may be given by bond or bonds to the Clerk of the Peace for the county, county of a city, county of a town or place where such Institution shall be established for the time being, without fee or reward, and in case of forfeiture, it shall be lawful for the Trustees of such Institution to sue upon such bond or bonds, in the name of the Clerk of the Peace for the time being, and to carry on such suit at the costs and charges of and for the use of the said Institution, fully indemnifying and saving harmless such Clerk of the Peace from all costs and charges of such suit or suits, or in respect thereof, and no bond or security so to be given shall be subject to or chargeable to any stamp duty whatsoever.

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10.
Amount of
Loan not to
exceed 10%.

And be it further Enacted, That it shall not be lawful to and for any such Society to make any Loan to any one individual at any one time exceeding in amount the sum of *Ten Pounds*: Provided nevertheless, That no second or other Loan shall be made to the same individual until the previous Loan is repaid.

40

And

11.
No Note or
Security to be
chargeable to
Stamp Duty.

And be it further Enacted, That no note or other security or undertaking which may be entered into for the repayment of any Loan made under this Act, in manner hereinbefore provided, nor any receipt or entry in any book of receipt for money lent or paid, nor
5 any draft or order, nor any appointment of any agent, nor any other instrument or document whatever, required to be given, issued, made or provided in pursuance of the Rules and Regulations of the Society, shall be subject to or chargeable with any stamp duty whatever.

12.
Rate of Interest to be
demanded.

10 And be it further Enacted, That it shall and may be lawful to and for the Trustees or Managers of any Institution established under the provisions of this Act, to demand and receive from the person to whom any Loan may be made at the time of making the same, the full amount of interest, at the rate of not exceeding *Six*
15 Pounds per centum per annum, which would be due for the time the money may be advanced, or to receive the amount of such interest at such other time or times and in such proportion or proportions as the said Trustees or Managers may think fit, without being subject or liable, on account thereof, to any of the forfeitures
20 or penalties imposed by any Act or Acts relating to usury.

13.
Recovery of
Loan before
Justices of
Peace.

And be it further Enacted, That all notes and securities entered into for the payment of such Loans shall be made payable to the Treasurer or Clerk for the time being of the said Institution, and if the party or parties liable to pay the same shall fail to make full
25 payment in money of the sum in the note or security mentioned, or any part thereof, for *Seven Days* after demand made on such party, or left at his usual place of abode, by or on behalf of the Treasurer or Clerk for the time being of the said Institution, it shall and may be lawful for any *One* or more of His Majesty's Justices of
30 the Peace for the county, riding, city, division or place where the person or persons respectively so refusing to pay any of such notes or securities as aforesaid shall or may happen to be or reside, and such Justice or Justices is and are hereby required, upon complaint made by such Treasurer or Clerk as aforesaid, to summon
35 the person or persons against whom such complaint shall be made, and after his, her or their appearance, or in default thereof, upon due proof upon oath of such summons or warning having been given or left as aforesaid, such Justice or Justices shall proceed to hear and determine the said complaint, and award such sum to be
40 paid by the person or persons respectively liable to the payment of any such note or security to such Treasurer or Clerk as aforesaid, as shall appear to such Justice or Justices to be due thereon, together with such a sum for costs, not exceeding the sum of *Ten Shillings*, as to such Justice or Justices shall seem meet; and if any person or persons shall refuse or neglect to pay or satisfy such

sum of money as upon such complaint as aforesaid shall be adjudged, upon the same being demanded, such Justice or Justices shall, by warrant under his or their hand and seal, or hands or seals, cause the same to be levied by distress and sale of the goods of the party so neglecting or refusing as aforesaid, together with all costs and charges attending such distress and sale, and returning the overplus (if any) to the owner, and no such proceedings shall be removed by Certiorari, or otherwise, into any of His Majesty's superior Courts of Record. 5

14.
Subscriptions
may be re-
ceived from
Corporate
Bodies, Sav-
ings Banks,
&c. &c.

And be it further Enacted, That any Corporate Body or Bodies, Savings Banks or other Institution, or any other Institution or Society whatever, within the United Kingdom of Great Britain and Ireland, shall be authorized, allowed and permitted to subscribe and advance sums of money, by way of Loan or otherwise, to any Loan Fund hereafter to be established in Ireland under the provisions of this Act; and the Treasurer, Trustee, Manager or accredited Agent for the time being of such Corporate Body, Savings Banks or other Institution shall be considered the ostensible person or persons for receiving the interest, benefit, profit or accumulations arising thereby, or to be derived therefrom. 10 15 20

15.
No Clerk or
other Servant
shall receive
any Present
of any de-
scription from
any Borrower
or Person
wishing to
become a
Borrower.

And be it further Enacted, That no Trustee or Trustees, managing Clerk or Servants of any Loan Fund Society hereafter to be established in Ireland, shall directly or indirectly, covertly or otherwise have, receive or take any bonus, gratuity or present from any Borrower or Borrowers of any Loan to be advanced by such Society, or from any person or persons who may wish to become a Borrower or Borrowers, such Trustee or Trustees, Clerk or Manager, for the first offence to be fined in the penal sum of *Twenty* Pounds, to go to and be applied in aid and satisfaction of the funds of such Society, and the same to be enforced or levied according to the clause made and provided for the recovery of all notes and securities hereinbefore contained, and for the second offence to be dismissed and afterwards rendered incapable of holding any office or place of trust under such Society, or taking any part in conducting the same, or acting in the management thereof. 25 30 35

16.
No Business
to be trans-
acted at any
Hotel or
Public-house
under the
fine of 10*l*.

AND with a view to economy, and in order to prevent any tendency or disposition to extravagance or dissipation, BE it further Enacted, That all and every the affairs and business of any Loan Fund Society to be established in Ireland, or any part thereof, be transacted and carried on at the public Sessions House or Town Hall of the county, or city or borough, as the case may require, or at the Office of the Clerk of the Peace for the same, or in the Vestry-room of any parish church or chapel, or in such other convenient private house 40

house or place, as to the Trustees or Managers at their discretion shall seem meet; and on no account or pretence whatever be conducted, carried on or transacted at any hotel, tavern, public-house, beer-shop or house of entertainment; and any Trustee, managing
 5 Clerk or Officer respectively of the Society transgressing this clause, shall for the first offence be fined in the penal sum of *Ten* Pounds, and for the second offence be finally dismissed, and afterwards rendered incapable of holding any place of trust or office under the Society, or conducting the same, or any part thereof; the fine or
 10 penalty of *Ten* Pounds so to be levied as aforesaid to go and be applied in aid of the funds of such Society, and to be enforced or levied according to the clause for the recovery of all notes and securities before-mentioned, any thing hereinbefore contained to the contrary hereof in anywise notwithstanding.

15 AND whereas it appears essential that all due encouragement and protection should be given to industrious and provident persons, and that every aid and facility should be afforded from time to time for improving their condition, and securing to them the produce of their labour and savings; BE it therefore further Enacted, That
 20 the Trustee or Trustees, Managers or Clerks of any Loan Fund Society, in any part of Ireland, established under the provisions of this Act, shall be allowed from time to time and at all times, as the case may require, to receive from any person or persons small Sums of Money, by weekly payments or otherwise, as a subscription to
 25 such Loan Fund Society, and that such person or persons so subscribing shall be allowed and entitled to receive interest or produce for such deposits, at a rate not exceeding *Six* Pounds per centum per annum, save and except that no interest be paid to any Subscriber or Subscribers upon his, her or their subscriptions under the
 30 amount of *One* Pound.

17.
 Subscriptions
 may be re-
 ceived in
 small Sums.

And be it further Enacted, That every *Third* Year from and after the *passing of this Act*, it shall be imperative upon the Trustees to convene a general meeting of the Subscribers, to be called on the
 35 *first Monday in January* of every such *Third* Year, by public advertisement in Two morning and Two evening Dublin papers, at least *One* calendar Month previously to such intended meeting, the same to be holden in Dublin, for the purposes specifically to be detailed in such advertisement, and also for such other and general purposes as the Officers of the Loan Societies constituted under this Act might
 40 at that time require.

18.
 A Meeting of
 the Sub-
 scribers to be
 called every
 Third Year.

And be it further Enacted, That any Subscriber or Subscribers to such Loan Fund Societies as aforesaid shall be authorized, and he or they are hereby respectively authorized and allowed to dispose
 251. c of

19.
 Subscribers
 shall be
 allowed to
 dispose of
 their De-
 posits.

of and transfer any part or the whole of the amount of their subscriptions or deposits, and such transfer shall be deemed sufficient by a written order directed to the Clerk or Manager of such Institution for the time being, such order or transfer to be signed by *Two* respectable Housekeepers, as witnesses; and the person or persons to whom such transfer shall be made as aforesaid, shall then stand possessed of and be entitled to the amount of such transfer, together with all interest and benefit, claims and demands whatsoever arising or to arise or to be derived or to accrue therefrom, as fully and to all intents and purposes as if he or they had been the original Subscriber or Subscribers to such Loan Fund Society; and such transfer, authority, document or order shall not be liable to any stamp duty or Parliamentary imposition whatever.

20.
Subscribers
may with-
draw their
Deposits.

And be it further Enacted, That all and every Subscriber or Subscribers to any Loan Fund Society established under the provisions of this Act, whose original loan or balance may be under the sum of *Fifty* Pounds, shall be entitled to call in or withdraw his or their subscriptions or balance upon giving *Fourteen* Days' notice in writing to any Clerk or Manager of such Loan Fund Society wherein the same is deposited; but such Subscriber shall not be entitled to receive any interest or benefit therefrom beyond the day on which such notice shall be so placed in the hands of such Clerk or Manager.

21.
Subscribers
may with-
draw their
Deposits.

And be it further Enacted, That all and every Subscriber or Subscribers to any Loan Fund Society established under the provisions of this Act, whose original loan or balance may be under *One hundred* Pounds, and above *Fifty* Pounds, shall be entitled to call in or withdraw his or their subscriptions or balance upon giving *One* calendar Month's notice in writing to any Clerk or Manager of such Loan Fund Society wherein the same is deposited; but such Subscribers shall not be entitled to receive any interest or benefit therefrom beyond the day on which such notice shall be placed in the hands of such Clerk or Manager.

22.
Subscribers
may with-
draw their
Deposits.

And be it further Enacted, That all and every Subscriber or Subscribers to any Loan Fund Society established under the provisions of this Act, whose original loan or balance may be above *One hundred* Pounds, shall be entitled to call in or withdraw his or their subscriptions or balance upon giving *Three* Months' notice in writing to any Clerk or Manager of such Loan Fund Society wherein the same is deposited; but such Subscribers shall not be entitled to receive any interest or benefit therefrom beyond *Two* Months from the day on which such notice shall be placed in the hands of such Clerk or Manager.

And

And be it Enacted, That in all cases of the death, resignation or removal of any Treasurer, Clerk or Officer of any such Society, at any time after the *passing of this Act*, who shall be appointed under the said recited Act, all cash and all funds and securities of or
 5 belonging to any such Society respectively which at the time of the death, resignation or removal shall be in the hands, power, custody or possession, or under the control or command of any such Treasurer, Clerk or Officer so dying, resigning or being removed, shall be and become vested and shall be deemed to have actually
 10 vested for the use of such Society in the person or persons who shall have been or who shall be placed in the room or appointed to the office of such Treasurer, Clerk or other Officer; and that any and every Treasurer, Clerk or other Officer of any such Society, from time to time for the time being, shall have the same powers of suing
 15 for and recovering all and every sum and sums of money, and of enforcing all and every security or securities which were due or owing, or which were given to his predecessor, or to any person having previously held such office, as under the said recited Act could be exercised or executed by the Treasurer, Clerk or Officer
 20 resigning, dying or being removed, or to whom such money was due or owing, or such securities were given.

23.
 Cash and
 Funds in the
 hands of any
 deceased
 Treasurer to
 be vested in
 the Successor,
 who may sue
 on Securities.

And be it further Enacted, That every Treasurer, Clerk or Officer of any such Society to whom any power of suing for or recovering any sum or sums of money for the use of any such Society is given
 25 by the said recited Act or this Act, shall and may and he is hereby authorized, empowered and required to cause all and every sum or sums of money so recovered to be levied and paid in like manner as any other sum of money recovered by any person or persons may be levied and paid according to law.

24.
 Treasurer
 may cause
 such Sums
 to be levied
 and paid.

Loan Societies (Ireland.)

A

B I L L

To amend the Laws relating to Loan Societies
in Ireland.

(Prepared and brought in by
Mr. French and Mr. Ormsby Gore.)

*Ordered, by The House of Commons, to be Printed,
10 May 1836.*

8 June 1836.—6 WILL. IV.



(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To amend the Laws relating to Loan Societies in *Ireland*.

[N.B.—The Clauses marked (A.) to (C.) were added by the Committee.]

- W**HEREAS certain Institutions for establishing Loan Funds have been and may be established in *Ireland* for the benefit and advantage of the labouring classes of His Majesty's Subjects; and it being expedient to give protection to the Funds of such Institutions, and also to afford encouragement to the formation of other Institutions of a like kind; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,
- 5 THAT if any number of persons who have formed or shall form any Society in any parish, district, township or place in *Ireland*, for the purpose of establishing a Society for a Loan Fund for the industrious classes resident therein, and receiving back payment for the same by instalments, shall be desirous of having the benefit of
- 10 this Act, such persons shall cause the Rules or Regulations framed or to be framed for the management of such Institution to be certified, deposited and enrolled in manner hereafter directed, and thereupon shall be deemed and be entitled to, and shall have the benefit of the provisions contained in this Act.
- 15
- 20 And be it further Enacted, That in order to provide and lay down a clear, explicit and general system of Rules and Regulations throughout the whole establishment of Loan Fund Societies to be hereafter established in *Ireland*, there shall be one permanent, general and
- 309.
- A
- central
- Preamble.
1.
Rules of
Society to be
enrolled.
2.
A central
Board to be
formed in
Dublin.

central Board in *Dublin*, denominated the Loan Fund Board, the members of which shall be chosen by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, and which Board shall form full and explicit Rules and Regulations for the establishment of such or any Loan Fund Societies, and shall also from time to time appoint Trustees, Officers, Clerks and Inspectors for the Central Board, or remove them therefrom. 5

3.
In case of death or resignation, fresh Members to be chosen.

And be it further Enacted, That in case any of the members of the Board as aforesaid should happen to die, or be minded and desirous to be discharged from the duties or offices thereof, then that it shall and may be lawful for the Lord Lieutenant or Chief Governor of *Ireland* for the time being, to appoint any other fit and proper person or persons, in the room and stead of the person or persons so happening to die, or be minded and desirous to be discharged as aforesaid ; and the individual or individuals so chosen as last aforesaid shall from time to time, to all intents and purposes, be as full and efficient to discharge the necessary duties of such Board as the person or persons so happening to die, or be minded and desirous of being discharged from the duties or offices thereof. 10 15 20

4.
Rules to be enrolled with the Clerk of the Peace.

And be it further Enacted, That all the Rules and Regulations of any Society to be entitled to the benefit of this Act shall be certified, and an authenticated copy or transcript thereof deposited and enrolled with the Clerk of the Peace for the county, county of a city, county of a town or borough, or any other place, as the case may be, where such Institution for the time being shall be established, gratuitously, and without any fee or reward whatever. 25

5.
Societies to record their Rules at the Board in Dublin, and to conform to the Rules and Instructions of that Board.

And be it further Enacted, That all Loan Fund Societies to be entitled to the benefit of this Act shall cause an authenticated copy or transcript of all the Rules and Regulations of such Societies to be deposited or recorded with such Loan Fund Board in *Dublin* as aforesaid, and shall conform to and abide by the Rules and Regulations made from time to time by such Board, which shall be transmitted to such Clerk, Manager or other person conducting the affairs of such Loan Fund Societies, wherever established. 30 35

6.
Rules and Regulations to be entered in a Book to be kept by the Officer of the Society.

And be it Enacted, That all Rules and Regulations from time to time made and in force for the management of any such Society as aforesaid, and duly enrolled, shall be entered in a book or books to be kept by an Officer of such Society, to be appointed for that purpose, and which book or books shall be open at all seasonable times

times for the inspection of persons receiving assistance from such Institution, and shall be binding on the several members and officers of such Society, and the several persons receiving assistance from the same, and their representatives, as well as those parties
 5 who may become the sureties for the repayment of any Loan, all of whom shall be deemed and taken to have full notice thereof by such entry and deposit with the Clerk of the Peace; and the entry of such Rules and Regulations in such book or books as aforesaid, or the transcript thereof deposited with the Clerk of the Peace, or a
 10 true copy of such transcript examined with the original, and proved to be a true copy, shall be received as evidence of such Rules and Regulations respectively in all cases; and no Certiorari shall be brought or allowed to remove any such Rules or Regulations into any of His Majesty's Courts of Record; and every copy of any
 15 such transcript deposited with any Clerk of the Peace as aforesaid shall be made without fee or reward, except the actual expense of making such copy, and such copy shall not be subject to any stamp duty.

And be it further Enacted, That all monies, goods, chattels and
 20 effects whatsoever belonging to such Society shall be vested in the Trustee or Trustees of such Society for the time being for the use and benefit of such Society, and the respective members thereof, their respective executors and administrators, according to their respective claims and interest, and after the death, resignation or removal
 25 of any Trustee or Trustees, shall vest in the surviving or succeeding Trustee or Trustees for the same estate and interest as the former Trustee or Trustees had therein, and subject to the same trusts, without any assignment or conveyance whatever; and also shall for all purposes of action or suit, as well criminal
 30 as civil, in law or equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be the property of the person or persons appointed to the office of Trustee or Trustees of such Society for the time being, in his or their proper name or names,
 35 without further description; and such person or persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in law or equity, touching or concerning the property right of claim aforesaid of such Society, and to sue and be sued,
 40 plead and be impleaded in his or their proper name or names, as Trustee or Trustees of such Society, without other description; and no suit, action or prosecution shall be discontinued or abate by the death of such person or persons, or his or their removal from the office of Trustee or Trustees as aforesaid, but the same shall and

7.
 Property of
 Societies
 vested in
 Trustees.

may be proceeded in by the succeeding Trustee or Trustees, in the proper name or names of such person or persons commencing the same, any law, usage or custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names, for the benefit of or to be reimbursed from the funds of such Society. 5

8.
No Treasurer,
Director or
Trustee to
receive any
remunera-
tion.

Provided also, and be it further Enacted, That no such Societies as aforesaid shall have the benefit of this Act, unless it shall be expressly provided by the Rules and Regulations for the management thereof, that no person or persons being Director or Trustee of such Societies shall receive any salary or other remuneration for attendance, or any other services performed for such Societies, save only and except such salaries and allowances, or other necessary expenses as shall, according to such Rules, Orders and Regulations, be provided for the charges of managing such Societies, and for remuneration to Officers employed in the management thereof. 10 15

9.
Treasurer to
give Security.

And be it further Enacted, That if any Treasurer or other Officer or Officers, or other person whatsoever, who shall be intrusted with the receipt or custody of any sum or sums of money the property of such Society, or any interest or dividend arising from time to time thereby, shall be required by the Rules or Regulations of such Society to become bound with sureties for the just and faithful execution of such office or trust, in such sum or sums of money as shall be required by the Rules and Regulations of such Societies, such security shall and may be given by bond or bonds to the Clerk of the Peace for the county, county of a city, county of a town or place where such Society shall be established for the time being, without fee or reward, and in case of forfeiture, it shall be lawful for the Trustees of such Society to sue upon such bond or bonds, in the name of the Clerk of the Peace for the time being, and to carry on such suit at the costs and charges of and for the use of the said Society, fully indemnifying and saving harmless such Clerk of the Peace from all costs and charges of such suit or suits, or in respect thereof, and no bond or security so to be given shall be subject to or chargeable to any stamp duty whatsoever. 20 25 30 35

10.
Amount of
Loan not to
exceed 10%.

And be it further Enacted, That it shall not be lawful to and for any such Society to make any Loan on personal security to any one individual at any one time exceeding in amount the sum of Ten Pounds; and that no second or other Loan shall be made to the same individual until the previous Loan is repaid. 40

And

And be it further Enacted, That no note or other security or undertaking which may be entered into for the repayment of any Loan made by any Society established under the provisions of this Act, nor any receipt or entry in any book of receipt for money lent or paid, nor any draft or order, nor any appointment of any agent, nor any other instrument or document whatever, required to be given, issued, made or provided in pursuance of the Rules and Regulations of the Society, shall be subject to or chargeable with any stamp duty whatever.

11.
No Note or Security to be chargeable to Stamp Duty.

And be it further Enacted, That it shall and may be lawful to and for the Trustees or Managers of any Society established under the provisions of this Act, to demand and receive from the person to whom any Loan may be made at the time of making the same, the full amount of interest, up to the payment of the last instalment, which would be due on the whole money so advanced, and to receive the amount of the principal at such other time or times and in such proportion or proportions as the said Trustees or Managers may think fit, without being subject or liable, on account thereof, to any of the forfeitures or penalties imposed by any Act or Acts relating to usury.

12.
Rate of Interest to be demanded.

And be it further Enacted, That all notes and securities entered into for the payment of such Loans shall be made payable to the Treasurer or Clerk for the time being of the said Society, and if the party or parties liable to pay the same shall fail to make full payment in money of the sum in the note or security mentioned, or any part thereof, for Seven Days after demand made on such party, or left at his usual place of abode, by or on behalf of the Treasurer or Clerk for the time being of the said Society, it shall and may be lawful for any One or more of His Majesty's Justices of the Peace for the county, riding, city, division or place where the person or persons respectively so refusing to pay any of such notes or securities as aforesaid shall or may happen to be or reside, and such Justice or Justices is and are hereby required, upon complaint made by such Treasurer or Clerk as aforesaid, to summon the person or persons against whom such complaint shall be made, and after his, her or their appearance, or in default thereof, upon due proof upon oath of such summons or warning having been given or left as aforesaid, such Justice or Justices shall proceed to hear and determine the said complaint, and award such sum to be paid by the person or persons respectively liable to the payment of any such note or security to such Treasurer or Clerk as aforesaid, as shall appear to such Justice or Justices to be due thereon, together with such a sum for costs, not exceeding the sum of Five Shillings, as to such Justice or Justices shall seem meet; and if any

13.
Recovery of Loan before Justices of Peace.

person or persons shall refuse or neglect to pay or satisfy such sum of money as upon such complaint as aforesaid shall be adjudged, upon the same being demanded, such Justice or Justices shall, by warrant under his or their hand and seal, or hands or seals, cause the same to be levied by distress and sale of the goods of the party so neglecting or refusing as aforesaid, together with all costs and charges attending such distress and sale, and returning the overplus (if any) to the owner, and no such proceedings shall be removed by Certiorari, or otherwise, into any of His Majesty's superior Courts of Record. 5 10

14.
Subscriptions
may be re-
ceived from
Corporate
Bodies, &c.
&c.

And be it further Enacted, That any Corporate Body or Bodies, or other Institution or Society whatever within the United Kingdom of *Great Britain* and *Ireland*, shall be authorized, allowed and permitted to subscribe and advance sums of money, by way of Loan or otherwise, to any Loan Fund hereafter to be regulated or established in *Ireland* under the provisions of this Act; and the Treasurer, Trustee, Manager or accredited Agent for the time being of such Corporate Body or other Institution shall be considered the ostensible person or persons for receiving the interest, benefit, profit or accumulations arising thereby, or to be derived therefrom; and also, that it shall and may be lawful to and for any Two or more Societies, situate in any county, city, town or place in *Ireland*, to unite and join their several funds, and form One Society in such county, city, town or place. 15 20

15.
No Clerk or
other Servant
shall receive
any Present
of any de-
scription from
any Borrower
or Person
wishing to
become a
Borrower.

And be it further Enacted, That no Trustee or Trustees, managing Clerk or Servants of any Loan Fund Society hereafter to be established or regulated in *Ireland*, shall directly or indirectly, covertly or otherwise, have, receive or take any bonus, gratuity or present from any Borrower or Borrowers of any Loan to be advanced by such Society, or from any person or persons who may wish to become a Borrower or Borrowers, such Trustee or Trustees, Clerk or Servant, for the first offence to be fined in the penal sum of Twenty Pounds, to go to and be applied in aid of the funds of such Society, and the same to be enforced or levied according to the clause made and provided for the recovery of all notes and securities hereinbefore contained, and for the second offence to be dismissed and afterwards rendered incapable of holding any office or place of trust under such Society, or taking any part in conducting the same, or acting in the management thereof. 25 30 35

16.
No Business
to be trans-
acted at any
Hotel or
Public-house
under the
fine of 10*l*.

AND with a view to economy, and in order to prevent any tendency or disposition to extravagance or dissipation, BE it further Enacted, That all and every the affairs and business of any Loan Fund Society to be established in *Ireland*, or any part thereof, shall 40

on no account or pretence whatever be conducted, carried on or transacted at any hotel, tavern, public-house, beer-shop or house of entertainment; and any Trustee, managing Clerk or Servant respectively of the Society transgressing this clause, shall for the first offence
5 be fined in the penal sum of Ten Pounds, and for the second offence be finally dismissed, and afterwards rendered incapable of holding any place of trust or office under the Society, or conducting the same, or any part thereof; the fine or penalty of Ten Pounds so to be levied as aforesaid to go and be applied in aid of the funds of
10 such Society, and to be enforced or levied according to the clause for the recovery of all notes and securities before-mentioned, any thing hereinbefore contained to the contrary hereof in anywise notwithstanding.

AND whereas it appears essential that all due encouragement
15 and protection should be given to industrious and provident persons, and that every aid and facility should be afforded from time to time for improving their condition, and securing to them the produce of their labour and savings; BE it therefore further Enacted, That the Trustee or Trustees, Managers or Clerks of any Loan Fund Society, in
20 any part of *Ireland*, established or regulated under the provisions of this Act, shall be allowed from time to time and at all times, as the case may require, to receive from any person or persons small Sums of Money, by weekly payments or otherwise, as a subscription to such Loan Fund Society, and that such person or persons so sub-
25 scribing shall be allowed and entitled to receive interest or produce for such deposits, at a rate not exceeding Six Pounds per centum per annum, save and except that no interest be paid to any Subscriber or Subscribers upon his, her or their subscriptions under the amount of One Pound.

17.
Subscriptions
may be re-
ceived in
small Sums.

And be it further Enacted, That any Subscriber or Subscribers
30 to such Loan Fund Societies as aforesaid shall be authorized, and he or they are hereby respectively authorized and allowed to dispose of and transfer any part or the whole of the amount of their sub-
scriptions or deposits, and such transfer shall be deemed sufficient
35 by a written order directed to the Trustee or Trustees of such Society for the time being, such order or transfer to be signed by Two respectable Housekeepers, as witnesses; and the person or persons to whom such transfer shall be made as aforesaid, shall then stand
40 possessed of and be entitled to the amount of such transfer, together with all interest and benefit, claims and demands whatsoever arising or to arise or to be derived or to accrue therefrom, as fully and to all intents and purposes as if he or they had been the original Subscriber or Subscribers to such Loan Fund Society; and such transfer, authority, document or order shall not be liable to any stamp duty or Parliamentary imposition whatever.

18.
Subscribers
shall be
allowed to
dispose of
their De-
posits.

19.
Subscribers
may with-
draw their
Deposits.

And be it further Enacted, That all and every Subscriber or Sub-
scribers to any Loan Fund Society established or regulated under the
provisions of this Act, whose original loan or balance may be under
the sum of Fifty Pounds, shall be entitled to call in or withdraw his
or their subscriptions or balance upon giving Fourteen Days' notice in 5
writing to any Clerk or Manager of such Loan Fund Society wherein
the same is deposited; but such Subscriber shall not be entitled to
receive any interest or benefit therefrom beyond the day on which
such notice shall be so placed in the hands of such Clerk or Manager;
and that all and every Subscriber or Subscribers to any Loan Fund 10
Society established or regulated under the provisions of this Act,
whose original loan or balance may be under One hundred Pounds,
and above Fifty Pounds, shall be entitled to call in or withdraw his
or their subscriptions or balance upon giving One calendar Month's
notice in writing to any Clerk or Manager of such Loan Fund Society 15
wherein the same is deposited; but such Subscribers shall not be
entitled to receive any interest or benefit therefrom beyond the day
on which such notice shall be placed in the hands of such Clerk or
Manager; and that all and every Subscriber or Subscribers to any
Loan Fund Society established or regulated under the provisions 20
of this Act, whose original loan or balance may be above One hundred
Pounds, shall be entitled to call in or withdraw his or their subscrip-
tions or balance upon giving Three Months' notice in writing to any
Clerk or Manager of such Loan Fund Society wherein the same is
deposited; but such Subscribers shall not be entitled to receive any 25
interest or benefit therefrom beyond Two Months from the day on
which such notice shall be placed in the hands of such Clerk or
Manager.

20.
Cash and
Funds in the
hands of any
deceased
Treasurer to
be vested in
the Successor,
who may sue
on Securities.

And be it Enacted, That in all cases of the death, resignation or
removal of any Trustee or Trustees of any such Society, at any 30
time after the passing of this Act, who shall be appointed under
the said recited Act, all cash and all funds and securities of or
belonging to any such Society respectively which at the time of the
death, resignation or removal shall be in the hands, power, custody
or possession, or under the control or command of any such 35
Trustee or Trustees so dying, resigning or being removed, shall
be and become vested and shall be deemed to have actually vested
for the use of such Society in the person or persons who shall have
been or who shall be placed in the room or appointed to the office of
such Trustee or Trustees; and that any and every Trustee or Trustees 40
of any such Society, from time to time for the time being, shall
have the same powers of suing for and recovering all and every
sum and sums of money, and of enforcing all and every security or
securities which were due or owing, or which were given to his
predecessor, or to any person having previously held such office
as could be exercised or executed by the Trustee or Trustees
resigning,

resigning, dying or being removed, or to whom such money was due or owing, or such securities were given.

And be it further Enacted, That if any Society or Societies now or hereafter to be formed for the purpose of establishing charitable Pawn or Deposit Offices, at which money may be lent to the industrious poor upon pledge, shall be desirous of having the benefit of this Act, such Society or Societies shall in like manner cause the Rules or Regulations framed or to be framed for their management respectively, to be certified, deposited and enrolled in manner hereinbefore directed with reference to Loan Fund Societies desiring the benefit of this Act, and thereupon such Societies respectively shall be deemed and be entitled to, and shall have the benefit of the provisions contained in this Act so far as the same are applicable to the objects of such charitable Pawn or Deposit Offices.

21.

CLAUSE (A.)
Societies for
establishing
Charitable
Pawn Offices,
&c. shall
cause their
Rules to be
certified.

And be it further Enacted, That it shall and may be lawful to and for the Trustees and Managers of any charitable Pawn Society entitled to the benefit of this Act, to lend and advance upon the security of the Boat or other Fishing Vessel of any poor person or persons resident within the county, county of a city or town in which the office of such Society shall be situated, any sum or sums of money not exceeding in amount One-half part of the value of such Boat or Fishing Vessel, although the same shall not be actually deposited or lodged in the stores of such Society: Provided always, That every such Loan, together with the name and description of the Boat or Fishing Vessel in respect of which the same shall have been made, shall be duly registered in a book to be kept for that purpose by the Society advancing such money; and that no sale of any such Boat or Fishing Vessel by the owner thereof shall be valid, unless the principal money and interest then due thereon to any such Society shall be first repaid out of the purchase money for the same.

22.

CLAUSE (B.)
As to Fishermen.

And be it further Enacted, That the clear net Profits of every Society which may become entitled to the benefit of this Act, after payment of the expenses of management and the interest due in respect of so much of the capital as shall have been raised by Loan or Deposit, shall be calculated and ascertained on the first Monday in the month of January in every year; and that one moiety of such net Profits shall be applied in discharge of such Loans or Deposits in such order as the Trustee or Trustees of the Society shall think fit, or in the increase of the capital of such Society; and in case no Loan shall be due, then in the increase of the capital of such Society; and the residue of such net Profits shall be applied in support of the Hospital or Infirmary of the county, county of a city or town in which the

23.

CLAUSE (C.)
Application of
Profits.

the principal office of such Society shall be situated, or given to such other charitable purpose as the Trustee or Trustees shall direct: Provided always, That it shall be lawful for such Trustee or Trustees of such Society, at any time or times after all the debts due by any such Society are paid off, to make such Orders and Regulations as they shall think fit, for the application of a larger portion or the whole of the clear net Profits of any such Society towards the charitable purposes above mentioned, or any other charitable objects arising within such districts respectively, in which such Loan Society is situate. 5

Loan Societies (Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To amend the Laws relating to Loan Societies
in Ireland.

(Prepared and brought in by
Mr. French and Mr. Ormsby Gore.)

Ordered, by The House of Commons, to be Printed,
8 June 1836.

21 April 1836.—6 WILL. IV.



A

B I L L

To promote the Observance of the Lord's Day.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

PREAMBLE. *DRASQUICH* as nothing is more acceptable to God than the true and sincere worship and service of Him according to His holy will, and that the holy keeping of the Lord's Day is a principal part of the true service of God, which in very many places of this Realm has been and now is profaned and neglected :

And whereas it is the bounden duty of Parliament to promote the observance of the Lord's Day, by protecting every class of society against being required to sacrifice their comfort, health, religious privileges and conscience for the convenience, enjoyment or supposed advantage of any other class on the Lord's Day :

And whereas the Laws now in existence for promoting the observance of the Lord's Day are found to be in many respects practically insufficient to secure the objects for which they profess to provide ; *BE it therefore Enacted*, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT no person upon the Lord's Day shall do or hire or employ any person to do any manner of labour or any work of his or her ordinary calling, or in the way of trade or business, or keep open shop, or hold or assist in holding any fair or market, or buy or sell, or cry, offer or expose for sale, or receive or deliver, or cause to be bought or sold, or cried, offered or exposed for sale, or received or delivered, any goods, animal or effect whatsoever, or pay or cause to be paid any wages

1.
All Work
prohibited on
the Lord's
Day.

Every such doing, &c., shall be a separate Offence.

or debt or security for money, or any thing whatsoever as wages or the price of labour, or make any contract of hiring or other contract, or do or permit any thing prohibited, or for the doing or permitting of which any forfeiture is imposed by any provision of this Act :
 Provided always, That every such doing or hiring or employing any person to do any such labour, work, calling, trade or business, or keeping open shop, or holding or assisting in holding any such fair or market, or buying or selling, or causing to be bought or sold, or crying, offering or exposing for sale, or receiving or delivering, or causing to be bought or sold, or cried, offered or exposed for sale, or received or delivered, or paying, or causing or procuring to be paid, any such wages, debt, security for money or thing as aforesaid, or making any such contract, or doing or permitting any thing prohibited, or for the doing or permitting of which any forfeiture is imposed by any provision of this Act, shall be a separate offence.

2.
 Penalty on Persons doing any thing before prohibited.

And be it further Enacted, That every person who upon the Lord's Day shall do any of the things hereinbefore prohibited shall forfeit a sum not less than *Five* Shillings nor more than *Twenty* Shillings for the first offence, and not less than *Twenty* Shillings nor more than *Forty* Shillings for the second offence, and not less than *Forty* Shillings nor more than *Five* Pounds for every subsequent offence; and in addition to such forfeitures, every sale, payment, settlement or contract, and every receipt or discharge for money made or given on the Lord's Day, shall be utterly void and of none effect.

3.
 Further Penalty for Persons keeping open Shop beyond One Hour on the Lord's Day.

And be it further Enacted, That every person who shall keep open shop or place for trading on the Lord's Day, shall forfeit the further sum of *Twenty* Shillings for every Hour beyond the first hour during which he or she shall so keep open shop.

4.
 Constables and others may seize Goods offered for sale in public Places on the Lord's Day.

And be it further Enacted, That it shall be lawful during all and every part of the Lord's Day, for any Justice of the Peace, Police Officer, Constable, Deputy Constable, Churchwarden, Overseer, Parish Officer, Tithing-man or other Officer, with or without any warrant or authority other than this Act, to seize all articles of food sold or cried, offered or exposed for sale, in any market, street, highway, public place, or vacant or open ground, and to deliver or cause to be delivered the articles so seized, to the Overseer or Overseers of the poor of the parish, hamlet, township or place in which the same shall be so seized, to be given and distributed by such Overseer or Overseers unto and among the poor of the same parish, hamlet, township or place: Provided always, That whenever any such articles of food (not being articles sold, cried, offered or exposed

posed for sale in any shop, public market or market-place) shall have been seized and dealt with as aforesaid, the parties offending shall not be subject to any further penalty on account of the same.

5 And be it further Enacted, That any person who shall be drunk on the Lord's Day, whereby he or she shall be liable to any penalty or punishment under any law which now is or shall be in force, shall forfeit any sum not less than *Ten* Shillings nor more than *Twenty* Shillings, in addition to any other penalty or punishment which he or she may by any such law be liable.

5.
Penalty for Drunkenness on the Lord's Day.

10 And be it further Enacted, That every owner, keeper or person having the care or management of any hotel, coffee-house, club-house, tavern, inn, ale-house, beer-house, cook-shop, victualling-house, or house used or licensed for the sale of any liquor, by retail or otherwise, who shall permit any liquor or provisions to be drunk
15 or consumed in or upon, or to be removed from his or her premises during the Lord's Day, and every person who shall be present on the Lord's Day at any news-room or club-room, shall forfeit any sum not less than *Twenty* Shillings nor more than *Forty* Shillings for the first offence; not less than *Forty* Shillings nor more than
20 *Three* Pounds for the second offence; and not less than *Three* Pounds nor more than *Five* Pounds for every subsequent offence, and have his or her license withdrawn, if any such there be.

6.
Penalty for keeping open Houses of Entertainment on the Lord's Day.

And be it further Enacted, That every person who shall be present on the Lord's Day at any meeting of people, at which shall
25 take place any gaming, wagering, wake, fair, baiting or hunting any animal, cock-fighting, or dog-fighting or shooting, or any pastime of public indecorum, inconvenience or nuisance, or public debating upon or discussing any subject, or public lecture or speech, or who shall be present upon the Lord's Day at any meet-
30 ing of people which shall have assembled for any of the said purposes, shall forfeit for the first offence any sum not less than *Five* Shillings nor more than *Twenty* Shillings; for the second offence, not less than *Twenty* Shillings nor more than *Forty* Shillings; and for every subsequent offence, not less than *Forty* Shillings nor more
35 than *Five* Pounds: Provided always, That nothing in this Act contained shall be taken to repeal or affect the provisions of a certain Act made and passed in the twenty-first year of his said late Majesty King GEORGE the Third, for preventing certain abuses and profanations on the Lord's Day.

7.
Penalty for being present at any Meeting for Gaming, &c. on the Lord's Day.

40 And be it further Enacted, That every house, room, yard or other place which shall be open or used on the Lord's Day for the purpose of any such meeting as is hereinbefore mentioned, shall be deemed
a disorderly

8.
Houses used for any of the above purposes to be dealt with according to Law.

a disorderly house or place, and be dealt with as the law directs in cases of disorderly houses; and every keeper thereof, and every person who shall appear, act or behave him or herself as master or mistress, or person having the care or management of any such house, room, yard or place, shall forfeit *Fifty* Pounds; and every person who shall manage or conduct any such meeting, or act as master of the ceremonies, moderator, president or chairman, shall forfeit *Ten* Pounds; and every door-keeper, showman or servant attending thereat shall forfeit *Five* Pounds; and every person advertising or causing to be advertised any such meeting, and every person who shall print or publish, or cause to be printed or published, any such advertisement, shall forfeit *Ten* Pounds.

9.
Penalty for certain Carriages travelling on the Lord's Day.

And be it further Enacted, That the owner and owners of every carriage carrying or used, or licensed to carry goods or passengers for hire, which shall travel on the Lord's Day, shall forfeit for the first offence *Ten* Pounds, and for the second offence *Twenty* Pounds, and for every subsequent offence *Thirty* Pounds, and be deprived of his her or their license, if any such there be; and every person with such Carriage shall forfeit any sum not less than *Five* Shillings nor more than *Twenty* Shillings for the first offence; not less than *Twenty* Shillings nor more than *Forty* Shillings for the second offence; and not less than *Forty* Shillings nor more than *Five* Pounds for every subsequent offence.

10.
Penalty for hiring or letting Horses and Carriages to be used on the Lord's Day.

And be it further Enacted, That every person who shall hire or let to hire any horse or carriage for the purpose of being used on the Lord's Day, shall forfeit for every horse or carriage so hired or let to hire, for the first offence any sum not less than *One* Pound nor more than *Two* Pounds; for the second offence not less than *Two* Pounds nor more than *Five* Pounds; and for every subsequent offence not less than *Five* Pounds nor more than *Ten* Pounds, and be deprived of his or her license, if any such there be.

11.
Penalty for travelling with any Vessel on Canals and Rivers, or with any Animal on the Lord's Day.

And be it further Enacted, That every person who upon the Lord's Day shall travel with any vessel on any canal or river, or with any animal, shall forfeit any sum not less than *Five* Shillings nor more than *Twenty* Shillings for the first offence; nor less than *Twenty* Shillings nor more than *Forty* Shillings for the second offence; and not less than *Forty* Shillings nor more than *Five* Pounds for every subsequent offence.

12.
Penalty on Vessels commencing their Voyage on the Lord's Day;

And be it further Enacted, That every person participating in the control, and every person in command of any vessel, which shall leave or begin to leave any port, or commence any voyage on the Lord's Day, shall for every such offence forfeit any sum not less than *Fifty* Pounds

Pounds nor more than *One hundred* Pounds; and every person participating in the control, and every person in command of any vessel or of any cargo, who shall move or cause to be moved, and every person who shall assist in moving any part of any cargo
5 belonging to any vessel on the Lord's Day, shall forfeit any sum not less than *Two* Pounds nor more than *Five* Pounds; and every person who shall use any vessel in the conveyance of goods or passengers on the Lord's Day, or hire or let to hire any vessel for the purpose of being used on the Lord's Day, shall forfeit any sum not less than
10 *Five* Shillings nor more than *Twenty* Shillings for the first offence; not less than *Twenty* Shillings nor more than *Forty* Shillings for the second offence; and not less than *Forty* Shillings nor more than *Five* Pounds for every subsequent offence.

or moving
their Cargo;

or let to hire
for the purpose
of being used
on the Lord's
Day.

And be it further Enacted, That every person who shall hunt,
15 shoot at, kill or take any game, fish or other wild animal, or use any means for the purpose of killing or taking the same or any of them on the Lord's Day, shall forfeit any sum not less than
nor more than _____ for the first offence; and not less
than _____ nor more than _____ for the second
20 offence; and not less than _____ nor more than
for every subsequent offence.

13.
Penalty for
hunting or
shooting on
the Lord's
Day.

And be it further Enacted, That it shall be lawful for any Justice of the Peace, Churchwarden, Overseer, Headborough Constable, Deputy Constable, Tithing-man, Police Officer, Parish Officer or
25 other Officer, to seize or cause to be seized, with or without warrant, *One* or more of any animal travelling on the Lord's Day, and to detain the same until the *Wednesday* next ensuing, unless the forfeiture first hereinafter named be sooner paid; and if such forfeiture be not forthwith paid, it shall be lawful for any Justice of the Peace,
30 upon proof of such act of travelling, to impose any forfeiture not less than *Two* Pounds nor more than *Five* Pounds, and to direct the same, if not sooner paid, to be levied by sale of the animal or animals so seized as aforesaid, and to be applied as hereinafter directed, in the case of other forfeitures, and the surplus to be paid
35 to the owner thereof, or his or her agent, on demand.

14.
Constables,
&c. may seize
Cattle tra-
velling on the
Lord's Day.

And be it further Enacted, That every Churchwarden, Overseer, Headborough Constable, Deputy Constable, Tithing-man, Police Officer, Parish Officer or other Officer, who upon information given of any offence against this Act committed within his jurisdiction,
40 and demand made, shall refuse or wilfully neglect to put in force such powers as are given to him in and by this Act, shall forfeit not less than *Two* Pounds nor more than *Five* Pounds: Provided always, That if any person shall think himself or herself aggrieved

15.
Penalty for
Constables,
&c. refusing
to act in cer-
tain cases.

by any such information, it shall not be lawful for him or her to make complaint, or bring any action against such Churchwarden, Overseer, Headborough Constable, Deputy Constable, Tithingman, Police Officer, Parish Officer or other Officer, by reason of his having acted in pursuance of such information, but only against the person or persons so having given information and made demand as aforesaid. 5

16.
Penalty for
resisting
Officers.

And be it further Enacted, That every person who shall resist, assault or obstruct any person duly employed in enforcing the provisions of this Act shall forfeit any sum not exceeding *Ten Pounds*. 10

17.
Justices may
convict on
view.

And be it further Enacted, That any Justice of the Peace having jurisdiction over the place where the offence shall be committed, shall and may upon his view convict any person offending against this Act, and assess such forfeiture as in and by this Act is provided for such offence. 15

18.
No Process to
be served on
the Lord's
Day.

And be it further Enacted, That no person upon the Lord's Day shall serve or execute, or cause to be served or executed, any writ, process, warrant, order, judgment or decree (except in cases of treason, felony or breach of the peace), but that the service or execution of the same shall be void, and any person so serving or executing the same shall be as liable to the suit of the party aggrieved, and to answer damages to him or her for doing thereof, as if the same had been done without any writ, process, warrant, order, judgment or decree. 20

19.
Recovery and
application of
Forfeitures

And be it further Enacted, That when any person shall be charged (upon information or complaint, whether in writing or otherwise) with any offence punishable under this Act, it shall be lawful for any Justice of the Peace having jurisdiction over the place where such offences shall have been committed, to summon the party accused, and such witness or witnesses as may by such Justice be thought necessary, to appear, at a time and place to be named in such summons, before any *Two* or more Justices of the Peace having like jurisdiction; and such Justices (upon proof of the due service of the summons upon the party accused, by delivering the same to him personally, or by leaving the same at his usual place of abode) shall examine into the matter of the charge, and shall hear and determine the case, whether the party accused shall be present or absent; and if the party accused shall be convicted of having committed such offence, then and in every such case the forfeiture or forfeitures hereby made payable in respect of such offence, together with the costs of conviction, to be ascertained by such Justices, shall be forthwith paid by the party so convicted as aforesaid; and in case such party. 25 30 35 40

party so convicted shall refuse or neglect to pay the same forthwith, then the same shall and may, by warrant or warrants under the hands and seals of such Justices, which they are hereby empowered and required to grant, be levied and recovered, together with the
 5 costs of conviction and recovery thereof, to be ascertained by such Justices, by distress and sale of the goods and chattels of such offender, rendering the overplus of the money arising by such sale, if any, upon demand, to the said offender; and it shall and may be lawful for such Justices to award, if they shall think fit, any portion
 10 of such forfeiture or forfeitures to the use of the party making the information or complaint, not in any case exceeding the expenses which he shall have incurred in prosecuting the same, and the residue thereof, or the whole, in every case where no such award shall be made, shall be paid to the Overseer or Overseers of the Poor or other
 15 Officer, as the said Justices may direct, of the parish, township or place in which the offence shall have been committed, to be added to the money collected or to be collected for the use of the poor in such parish, township or place; and such monies so added shall be applicable to the same purposes as money collected for the use of
 20 the poor; and it shall be lawful for the said Justices to order the offender so convicted to be detained in safe custody until return can conveniently be made to such warrant or warrants of distress, unless the offender shall give sufficient security, to the satisfaction of such Justices, for his or her appearance before the said Justices
 25 on such day or days as shall be appointed for the return of such warrant or warrants of distress, such day or days not being more than *Five Days* from the taking any such security, and which security the said Justices are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant it
 30 shall appear that no sufficient distress can be had whereupon to levy the said forfeiture or forfeitures, and such costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Justices, either upon the confession of the offender or otherwise, that the offender hath not sufficient goods or chattels whereon such for-
 35 feiture or forfeitures, and such costs as aforesaid can be levied, such Justices shall not be required to issue such warrant, and thereupon it shall be lawful for the said Justices, and they are hereby empowered and required, by warrant or warrants under their hands and seals, to commit such offender to the common Gaol or House of Correction
 40 for any time not exceeding *Fourteen Days*, at the discretion of the Justices so committing, unless such forfeiture, costs and all reasonable charges attending the same shall be sooner paid and satisfied.

And be it further Enacted, That if any person shall be summoned as a witness to give evidence before any Justice or Justices of the Peace touching any matter contained in any information or com-
 201. A 4

20.
 For compelling
 the attendance
 of Witnesses.

plaint

plaint for any offence against this Act, either on behalf of the prosecution, or on behalf of the person or persons accused, and shall refuse or neglect to appear at the time and place to be for that purpose appointed, after having been paid or tendered a reasonable sum of money for his or her costs and expenses, without a satisfactory excuse being given for such non-appearance, or appearing shall refuse to be examined upon oath or affirmation, or to give evidence touching the matter in question before such Justice or Justices, then and in every such case every such person so offending shall forfeit and pay for every such offence any sum not exceeding *Five* Pounds, to be recovered as is hereinbefore mentioned.

21.
Information
to be made
within Three
Months.

And be it further Enacted, That all proceedings against any person under or by virtue of this Act, shall be commenced or prosecuted within *Three Months* after the offence committed, and not afterwards.

22.
Appeal.

Provided always, and be it further Enacted, That every person who shall think himself or herself aggrieved by any summons, order, judgment or determination of any Justice or Justices of the Peace, made in any of the cases above mentioned, may appeal to the Justices of the Peace of the county, riding, city, town or place in which such order, judgment or determination shall have taken place, at their next General Quarter Sessions, first giving, or causing to be given, *Ten Days'* notice at the least, in writing, of his or her intention to bring such appeal, and the matter, grounds and causes thereof, to the person or persons upon whose information or complaint the said order, judgment or determination may have been made, and to the person or persons whose act or acts is or are appealed against, and within *Two Days* after such notice entering into a recognizance in the sum of *Twenty Pounds* before some Justice of the Peace of the same county, riding, city, town or place conditioned for prosecuting such appeal, and to abide the order thereon, and to pay such costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions, upon the proof of such notice given as aforesaid, and of the entering into such recognizance, shall hear and determine the causes and matters of such appeal in a summary way, and award such costs to the party appealing or appealed against as the said Justices shall think proper; and the said Justices may, if they see cause, mitigate any forfeiture, and may order any money to be returned which shall be levied in pursuance of such order, judgment or determination.

23.
In Actions
against Per-
sons who have
made Infor-
mation in cases

And be it further Enacted, That in all actions which shall be brought against any person or persons upon whose complaint or information any conviction shall have taken place under or by virtue of

of this Act, or for or by reason of any act, matter or thing done or commanded to be done by any Justice or Justices for the carrying of any such conviction into effect, in case such conviction shall have been quashed, the plaintiff or plaintiffs in such action or actions, besides the value and amount of the forfeiture or forfeitures which may have been levied upon the said plaintiff or plaintiffs in case any levy thereof shall have been made, shall not be entitled to recover any more or greater damages than the sum of *Twopence*, nor any costs of suit whatsoever, unless it shall have been expressly alleged in the declaration in the action wherein the recovery shall be had, and which shall be in an action on the case only, that such complaint or information was made maliciously and without any reasonable or probable cause; provided, that if the defendant shall prove at the trial of any such action that he tendered or caused to be tendered to such plaintiff or plaintiffs the amount of the forfeiture or forfeitures which may have been levied on the plaintiff or plaintiffs within *Ten Days* after such conviction shall have been quashed, or that such plaintiff or plaintiffs was or were guilty of the offence whereof he, she or they had been convicted, or on account of which he, she or they had in any way suffered, and that he, she or they had undergone no greater punishment than was assigned by this Act to such offence, then and in every such case the defendant shall obtain a verdict.

where the Conviction has been quashed, no greater damages than *Twopence* shall be recovered by the Plaintiff, unless he allege Malice and want of probable cause.

Provided also, and be it further Enacted, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, then and in every such case such action or suit shall be commenced or prosecuted within *Three Months* next after the fact committed, and not afterwards, and that the same, and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, and the defendant or defendants in every such action or suit shall and may plead the General Issue, and at the trial thereof give this Act and the special matter in evidence; and if the thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought or laid in any other county or place than as aforesaid, then the Jury shall find for the defendant or defendants; and if the plaintiff shall become nonsuit, or discontinue his or her action after the defendant shall have appeared or have a verdict against him or her, or if upon demurrer judgment shall be given against the plaintiff, the defendant shall and may recover *Treble* costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases by law.

24. Limitation of Actions.

Venue local.

General Issue may be pleaded.

Provided also, and be it further Enacted, That the Ecclesiastical Jurisdiction within these Realms shall not by this Act be altered or

25. Ecclesiastical Jurisdiction not altered.

abridged, but that the Ecclesiastical Courts may punish the said offences as if this Act had not been made.

26.
Exemptions
from this Act.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend to any menial servant acting in the necessary service of his or her employer, or to any person selling, buying, delivering or receiving milk before *Nine* of the clock in the morning, or between the hours of and in the afternoon, or to any person selling, buying, delivering or receiving medicine, or to any baker setting or superintending the sponge, or to any person selling, buying, delivering or receiving dressed meat, liquor or other provisions within hotels, coffee-houses, inns, cook-shops, ale-houses, beer-houses or other houses for the sale of victuals, to be consumed in and upon the premises by any traveller, or by any person or persons who shall have lodged and slept on the premises during the preceding night, or between the hours of *Two* and *Four* in the afternoon, by any person or persons who shall usually victual at the same, or to any person attending any place for religious worship, or school for religious instruction; or to any person using or employed with or hiring or letting to hire any horse or carriage for the purpose only of going to or returning from any place for religious worship; or to any minister of religion or medical practitioner going to or returning from or in exercise of his professional duty; or to any person acting or giving information under or putting into execution this Act.

27.
Act not to
extend to
works of
Piety, Charity
or Necessity.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend to works of piety, charity or necessity.

28.
Commence-
ment of this
Act.

And be it further Enacted, That this Act shall commence and take effect on the *First* day of next after the passing thereof.

Lord's Day.

A

B I L L

To promote the Observance of the
Lord's Day.

(*Prepared and brought in by*
Sir Andrew Agnew and Sir Oswald Mosley.)

Ordered, by The House of Commons, to be Printed,
21 April 1836.

23 July 1836.—7 WILL. IV.



A

B I L L

To prevent the advertising of Foreign and other
illegal Lotteries.

[Note.—The Words printed in *Italics* are proposed to be inserted in
the Committee.]

- W**HEREAS the Laws in force are insufficient to prevent Preamble.
the advertising of Foreign and other illegal Lotteries in
this Kingdom, and it is expedient to make further provision for
that purpose; ~~BE~~ it therefore ~~Enacted~~, by The KING's most
5 Excellent MAJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Par-
liament assembled, and by the Authority of the same, THAT from
and after the *passing of this Act*, if any person shall print or publish
or cause to be printed or published any Advertisement or other
10 Notice of or relating to the drawing or intended drawing of any
Foreign Lottery, or of any Lottery or Lotteries, not authorized by
some Act or Acts of Parliament; or if any person shall print or
publish or cause to be printed or published any Advertisement or
other Notice of or for the sale of any Ticket or Tickets, Chance or
15 Chances, or of any Share or Shares of any Ticket or Tickets, Chance
or Chances of or in any such Lottery or Lotteries as aforesaid; or
any Advertisement or Notice concerning or in any manner relating
to any such Lottery or Lotteries, or any Ticket, Chance or Share,
Tickets, Chances or Shares thereof or therein; every person so
20 offending shall for every such offence forfeit the sum of *Fifty*
Pounds, to be recovered with full Costs of Suit, by Action of Debt,
Bill, Plaint or Information in any of His Majesty's Courts of
Record in Westminster or Dublin respectively, or in the Court of
Session in Scotland; one *Moiety* thereof to the use of His Majesty,
His heirs and successors, and the other *Moiety* thereof to the use
of the person who shall inform or sue for the same.

Penalty for
advertising
Foreign or
illegal Lot-
teries, 50*l*.

Foreign Lotteries.

A

B I L L

To prevent the advertising of Foreign and
other illegal Lotteries.

(Prepared and brought in by
Mr. Baring and Mr. Chancellor of the
Exchequer.)

*Ordered, by The House of Commons, to be Printed,
23 July 1836.*



A

B I L L

To remove Difficulties which may arise from the confusion between Calendar and Lunar Months in the computation of Time, and to remedy certain Grievances which have already been occasioned thereby.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

5 **W**HEREAS the using of the word “Months” in divers statutes, deeds and writings without specifying whether Lunar or Calendar Months be intended, has occasioned mistakes, inconveniences and grievances; **BE it therefore Enacted**, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** from and after the *passing of this Act* the word “Month” or

10 “Months” in any statute, deed or writing hereafter to be passed, executed or made, or in any Statute heretofore passed, shall be understood to mean Calendar Months, unless the contrary thereof be clearly expressed or implied.

Preamble.

15 **AND** whereas several Persons bound to serve as Clerks or Apprentices to Attornies or Solicitors, have applied to have the Indentures of such Clerkship stamped after the expiration of Twelve Lunar and before the expiration of Twelve Calendar Months; **BE it further Enacted**, That it shall and may be lawful for the Commissioners of Stamps, or any of their proper Officers, at any time before the *last day of Michaelmas Term One thousand eight hundred and Thirty-six*, to stamp any vellum, parchment or paper upon which shall be ingrossed, written or printed any articles of Clerkship, Contract, Indenture or other Instrument, whereby any person shall

1.
The word
“Month” in
any Statute,
&c. to mean
Calendar
Month.

2.
Indentures of
Clerkship may
be stamped at
any time pre-
vious to the
last day of
Michaelmas
Term 1836.

be bound to serve as a Clerk or Apprentice in order to his admission as an Attorney or Solicitor in any of the Courts of Law or Equity, for a term not yet expired, upon payment of the proper Duty payable in respect of the same, and of the further sum of *Five* Pounds by way of penalty: Provided always, That such Person, on 5
applying to have such vellum, parchment or paper so stamped as aforesaid, shall sign a declaration, stating and declaring that he had applied to the said Commissioners or their proper Officer to have the same stamped within twelve calendar months from the date thereof. 10

3.
Persons
making false
declaration,
to be deemed
guilty of
Misdemeanor.

And be it further Enacted, That any Person who shall willfully sign or make any such declaration, knowing the facts therein stated, or any of them, to be false, shall be deemed guilty of a *Misdemeanor*.

Lunar Months.

B I L L

To remove Difficulties which may arise from the confusion between Calendar and Lunar Months in the computation of Time, and to remedy certain Grievances which have already been occasioned thereby,

(Prepared and brought in by
Mr. Payne and Mr. Aglionby.)

*Ordered, by The House of Commons, to be Printed,
24 March 1836.*

27 April 1836.—6 WILL. IV.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To remove Difficulties which may arise from the confusion between Calendar and Lunar Months in the computation of Time, and to remedy certain Grievances which have already been occasioned thereby.

[N.B.—The Clauses marked (A.), (B.) and (C.) were added by the Committee.]

WHEREAS the using of the word “Month” or “Months” in divers statutes, deeds and writings without specifying whether Lunar or Calendar Month or Months be intended, has occasioned mistakes, inconveniences and grievances; **BE it therefore Enacted**, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** from and after the passing of this Act the word “Month” or “Months” in any statute, deed or writing hereafter to be passed, executed or made, or in any Statute heretofore passed, shall be understood to mean Calendar Month, or Months, unless the contrary thereof be clearly expressed or implied: Provided always, That nothing herein contained shall extend or be construed to prolong the term of imprisonment of any Person for any offence committed, or for non-payment of any Penalty incurred before the passing of this Act, beyond the time for which such Person would heretofore have been liable.

Preamble.

1.

The word
“Month” in
any Statute,
&c. to mean
Calendar
Month.

2.

Indentures of
Clerkship may
be stamped at
any time pre-
vious to the
last day of
Michaelmas
Term 1836.

AND whereas several Persons bound to serve as Clerks or Apprentices to Attornies or Solicitors, have applied to have the Indentures of such Clerkship stamped after the expiration of Six Lunar and before the expiration of Six Calendar Months; **BE**

it further Enacted, That it shall and may be lawful for the Commissioners of Stamps, or any of their proper Officers, at any time before the last day of Michaelmas Term One thousand eight hundred and Thirty-six, to stamp any vellum, parchment or paper upon which shall be ingrossed, written or printed any articles of Clerkship, Contract, Indenture or other Instrument, whereby any person shall be bound to serve as a Clerk or Apprentice in order to his admission as an Attorney or Solicitor in any of the Courts of Law or Equity, for a term not yet expired, upon payment of the proper Duty payable in respect of the same, and of the further sum of Five Pounds by way of penalty: Provided always, That such Person, on applying to have such vellum, parchment or paper so stamped as aforesaid, shall sign a declaration, stating and declaring that he had applied to the said Commissioners or their proper Officer to have the same stamped within twelve calendar months from the date thereof.

3.

CLAUSE (A.)
When Articles of Clerkship omitted to be enrolled, such enrolment held valid if executed at any time previous to the last Day of Michaelmas Term 1836.

And be it further Enacted, That if any Person who may have become bound to serve as aforesaid for a term not yet expired, shall have omitted to cause the affidavit or affidavits of the execution of his articles of Clerkship or Apprenticeship to be enrolled or registered, it shall and may be lawful for such Person, at any time before the day last aforesaid, to cause one or more affidavit or affidavits to be made and filed in such manner as the same ought to have been made and filed in due time, and also to cause such Articles (being first duly stamped) to be inrolled or registered with the proper Officer in that behalf; and every such Person shall be and he is hereby indemnified from all penalties, forfeitures, incapacities and disabilities by any Act imposed and incurred, or to be incurred, by reason of such omission; and every such affidavit shall be as effectual as if the same had been made and filed within the time heretofore appointed by the laws now in force for that purpose.

4.

Persons making false declaration, to be deemed guilty of Misdemeanor.

And be it further Enacted, That any Person who shall wilfully sign or make any such declaration or affidavit, knowing the facts therein stated, or any of them, to be false, shall be deemed guilty of a *Misdemeanor*.

5.

CLAUSE (B.)
In the computation of time, the day beginning or ending a period, to be deemed inclusive, and the other exclusive.

And be it further Enacted, That in the computation of any period of time, whether the same be expressed by years, months, weeks or days, one of the days at the beginning or end of such period shall be deemed to be inclusive, and the other to be exclusive, unless the contrary thereof be clearly expressed.

And

And be it further Enacted, That every Prisoner under sentence of imprisonment by any Court of Justice, shall be entitled to his or her discharge at Twelve o'clock at Noon on the last day of such imprisonment, or at such time within One Hour afterwards as the Keeper of the Prison in which such Prisoner may be confined shall think fit.

CLAUSE (C.)
Prisoner
entitled to
discharge at
Twelve at
Noon on last
day of Im-
prisonment.

Lunar Months.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To remove Difficulties which may arise from the confusion between Calendar and Lunar Months in the computation of Time, and to remedy certain Grievances which have already been occasioned thereby.

(Prepared and brought in by
Mr. Pryme and Mr. Aglionby.)

Ordered, by The House of Commons, to be Printed,
27 April 1836.

15 August 1836.—7 WILL. IV.



A

B I L L

To alter and amend certain Laws of Excise relating to the Revenue of Excise on Malt made in the United Kingdom.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, “An Act to consolidate and amend certain Laws relating to the Revenue of Excise on Malt made in the United Kingdom, and for amending the Laws relating to Brewers in Ireland, and to the Allowance in respect of the Malt Duty on Spirits made in Scotland and Ireland from Malt only:” And whereas an Act was passed in the eleventh year of the reign of his said late Majesty for altering and amending the said Act: And whereas it is expedient to alter and amend the said recited Acts; **B**E it therefore **E**nacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT so much of the said recited Act passed in the eleventh year of the reign of his said late Majesty as enacts “that there shall be delivered by the proper Officer of Excise to every Maltster or Maker of Malt a Book prepared for such purposes as hereinafter mentioned, to be kept by such Maltster or Maker of Malt in some public and open part of his or her entered premises, for the inspection of the Officers of Excise; and every Maltster and Maker of Malt shall on the same day on which he shall steep any corn or grain to be made into Malt, and within Three Hours after any

Preamble:
7 & 8 Geo. 4,
c. 52.

11 Geo. 4, c. 17.

I.
11 Geo. 4,
c. 17, s. 8,
requiring the
keeping of
Barley Books
by Maltsters
repealed.

A

corn

566.

corn or grain shall have been covered with water for the purpose of wetting or steeping the same to be made into Malt, enter in such Book, and in the proper columns to be prepared for such purposes respectively, a true and particular account of the quantity in Bushels of the corn or grain so wetted or steeped, and shall enter against 5 and immediately opposite to every such entry the particular day and hour of the day on and at which such corn or grain was so wetted or steeped and covered with water, and shall on the next survey of the Officer of Excise produce to such Officer the said Book, with the said entries therein, for his information ; and if any Maltster or Maker 10 of Malt shall not keep such Book, or shall neglect or refuse to make any such entry as aforesaid, or to produce such Book with such entries therein to the Officer of Excise on his next survey, or shall convey away or conceal the same, or shall destroy or tear out any leaf thereof, or cancel, obliterate, destroy or alter any entry therein, or make any 15 false entry therein, or shall refuse to permit any Officer of Excise at any time to inspect such Book, or to make any minute therein, or to take any extract therefrom as to such Officer shall seem meet, or to remove or take away such Book, leaving a new Book for the like purpose in lieu thereof, or if any Maltster or Maker of Malt shall have 20 wetted or steeped any greater or less quantity of corn or grain than shall be stated in the entry thereof in the said Book, every Maltster or Maker of Malt so offending shall for every such offence forfeit and lose the sum of Fifty Pounds : provided that no Maltster or Maker of Malt shall be subject to the said penalty for or by reason of his 25 having steeped or wetted any greater or less quantity of corn or grain than shall be stated in the entry thereof, if the quantity wetted shall not be greater or less than the quantity entered in the proportion of One Bushel in Twenty," shall be and the same is hereby Repealed. 30

2.
All Notices
required to be
given by
Maltsters to
be for the
time required
in a City or
Market
Town, al-
though the
Malthouse
may not be so
situated.

And be it further Enacted, That in all cases in the said recited Acts respectively in which any Maltster or Maker of Malt shall be required to give any notice to an Officer of Excise, the time for giving such notice shall be the same as is required to be given where the malt- 35 house is situate in a city or market town, or in the suburbs thereof, notwithstanding the malthouse of the Maltster or Maker of Malt giving such notice may not be so situated.

3.
7 & 8 Geo. 4,
c. 52, s. 34,
repealed.

And be it further Enacted, That so much of the said recited Act of the seventh and eighth years of the reign of his said late Majesty as enacts " that if any Officer of Excise shall have reason to believe 40 or shall suspect that the corn or grain making into Malt in any cistern or couch frame has been trodden or forced together, it shall be lawful for such Officer, and any person or persons in aid and assistance of such Officer, in the presence of the Maltster or Maker of 45

of Malt, or of his or her servant, if such Maltster or servant shall think fit to be present, to turn over all such corn or grain, either by throwing all such corn or grain from and out of the cistern or couch frame, and returning the same into the cistern or couch frame from
5 which it shall have been thrown, and laying the same level again therein, or by turning over all such corn or grain in such cistern or couch frame and laying the same level again therein, or by throwing out any part of such corn or grain from such cistern or couch frame, and turning over so much thereof as shall be left
10 remaining therein, and returning so much of such corn or grain as shall have been thrown out into the cistern or couch frame from which the same shall have been thrown, and laying the whole of such corn or grain level again in such cistern or couch frame, as to such Officer shall seem fit; and every Maltster or Maker of Malt,
15 together with his or her servants, shall give such aid and assistance to such Officer and to such person or persons as aforesaid in such behalf as aforesaid, as such Officer or other person may request, and if any increase shall be found in the gauge or quantity of such corn or grain, after being turned over and laid level again in the cistern
20 or couch frame in any such manner as aforesaid, over and above the former gauge in any greater proportion than that of One Bushel in every Twenty Bushels of such corn or grain, the increase so found as aforesaid shall be deemed conclusive evidence that such corn or grain had been trodden or forced together, and if any Maltster or
25 Maker of Malt shall refuse to aid and assist any Officer of Excise, or any person or persons acting in aid and assistance of such Officer as aforesaid, every such Maltster or Maker of Malt so offending shall for every such offence forfeit and lose the sum of One hundred Pounds: provided always, nevertheless, that it shall
30 be lawful to prove by any other or indifferent evidence than that above mentioned, that such corn or grain had been trodden or forced together," shall be and the same is hereby Repealed.

And be it further Enacted, That so much of the said recited Act of the eleventh year of the reign of his said late Majesty as recites the said
35 provision hereinbefore last repealed, and enacts " that when any Officer of Excise shall, in manner authorized by the said recited Act, turn over all such corn or grain, either by throwing all such corn or grain from and out of the cistern or couch frame and returning the same into the cistern or couch frame from which it shall have been thrown,
40 and laying the same level again therein, or by turning over all such corn or grain in such cistern or couch frame and laying the same level again therein, or by throwing out any part of such corn or grain from such cistern or couch frame and turning over so much thereof as shall be left remaining therein, and returning so much of such corn or grain as shall have been thrown out into the cistern or couch frame from
566. which

4.
11 Geo. 4,
c. 17, s. 17,
repealed.

which the same shall have been thrown, and laying the whole of such corn or grain level again in such cistern or couch frame as to such Officer shall seem fit; and if any increase shall be found in the gauge or quantity of such corn or grain after being turned over and laid level again in the cistern or couch frame in any such manner as aforesaid, over and above the former gauge in any greater proportion than that of One Bushel in every Twenty Bushels of such corn or grain, the increase so found is in and by the said recited Act to be deemed conclusive evidence that such corn or grain had been trodden or forced together: And whereas it may happen that when corn or grain has been emptied from the cistern into the couch frame more than Twelve Hours, the increase thereof from the swell may amount to One Bushel in Twenty without fraud; and it is expedient to alter such proportion, so far as respects such corn or grain in the couch frame; be it therefore enacted, that when any Officer of Excise shall, in manner authorized by the said recited Act, turn over and level again in any couch frame any corn or grain, after the expiration of Twelve Hours from the time when such corn or grain shall have been emptied from the cistern or cisterns into such couch frame, and any increase shall be found in the gauge or quantity of such corn or grain, after being turned over and laid level again in the couch frame in any such manner as aforesaid, over and above the former gauge, no such increase shall be deemed conclusive evidence that such corn or grain had been trodden or forced together, unless such increase shall be in any greater proportion than Six Bushels and One-quarter of a Bushel in every One hundred Bushels of such corn or grain," shall be and the same is hereby Repealed.

5.
Officer of Excise, suspecting any Cistern or Couch to be trodden or forced together, may have the same turned out and returned; what increase to be deemed conclusive evidence of treading or forcing together.

And be it further Enacted, That when any Officer of Excise shall suspect that the corn or grain making into Malt in any cistern or couch frame has been trodden or forced together, or that the corn or grain so making into Malt therein is so hard, close and compact as it could not have been unless the same had been by some means or other trodden or forced together in such cistern or couch frame, it shall be lawful for such Officer to direct the Maltster or Maker of Malt or his workmen and servants to throw all such corn or grain from and out of the cistern or couch frame, and for such Officer, and any person or persons in his aid or assistance, which aid and assistance the Maltster or his workmen and servants shall also give if required, to return all such corn or grain into the cistern or couch from which the same shall have been thrown, and to lay the whole of such corn or grain level again in such cistern or couch, and if any increase shall be found in the gauge or quantity of such corn or grain after being returned into and laid level again in the cistern or couch frame over and above the former gauge taken before the same was thrown out in any greater proportions than those of *Five* Bushels in every *One hundred* Bushels previously to such corn or grain having been

[5]

been emptied *Eight* Hours from the cistern, or *Six* Bushels in every *One hundred* Bushels if such corn or grain shall have been emptied from the cistern *Eight* Hours and not emptied *Sixteen* Hours, or *Seven* Bushels in every *One hundred* Bushels if such corn or grain shall
 5 have been emptied from the cistern *Sixteen* Hours or upwards; the increase so respectively found as aforesaid shall be deemed conclusive evidence of such corn or grain having been trodden or forced together, and the Court or Justices before whom such evidence shall be given shall thereupon convict the Maltster or Maker of Malt in the
 10 penalty imposed by the said recited Act of the seventh and eighth years of his said late Majesty's reign; and every Maltster or Maker of Malt who or whose servants or workmen shall, when required by any Officer of Excise, refuse to throw out any corn or grain making into Malt from any cistern or couch, or to aid or assist in returning the
 15 same into the cistern or couch from which the same shall have been thrown, shall forfeit *One hundred* Pounds: Provided always, That it shall be lawful to prove by any other or different evidence that such corn or grain had been trodden or forced together.

And be it further Enacted, That so much of the said recited Act
 20 of the eleventh year of the reign of his said late Majesty as, after reciting that every Maltster and Maker of Malt is by the said recited Act of the seventh and eighth years of the reign of his said late Majesty restricted from wetting, watering or sprinkling any corn or grain making into Malt before the expiration of Twelve Days or
 25 Two hundred and eighty-eight Hours after the same shall have been emptied or taken from or out of the cistern, and that it is expedient to allow, under certain regulations, Maltsters and Makers of Malt to water and sprinkle corn or grain making into Malt before the expiration of Twelve Days or Two hundred and eighty-eight Hours,
 30 enacts, "that it shall and may be lawful for any Maltster or Maker of Malt who shall have kept and continued any corn or grain making into Malt covered with water in the cistern for the full space of Fifty Hours from the time of such corn or grain being first wetted or steeped, and who shall not at the same time have in
 35 the same malthouse any other corn or grain on the floor which shall have been kept and covered with water for any less space than Fifty Hours from the time of the same being first wet or steeped, to wet water or sprinkle any such corn or grain at any time after the expiration of Eight Days or One hundred and ninety-two Hours after
 40 the same shall have been emptied or taken out of the cistern: provided always, that every Maltster or Maker of Malt who shall wet, water or sprinkle any corn or grain making into Malt contrary to the regulations aforesaid, shall be subject and liable to the penalty in and by the said recited Act imposed for wetting, watering

6.
 11 Geo. 4,
 c. 17, s. 18,
 repealed.

or sprinkling corn or grain before the expiration of Twelve Days or Two hundred and eighty-eight Hours," shall be and the same is hereby Repealed.

7.
Maltsters may
sprinkle grain
wetted Fifty
Hours, under
certain regu-
lations.

And be it further Enacted, That it shall be lawful for any Maltster or Maker of Malt who shall have kept and continued any corn or grain making into Malt covered with water in the cistern for the full space of *Fifty* Hours from the time of such corn or grain being first wetted or steeped, and who shall not at the same time have in the same malthouse any other corn or grain in the couch or on the floor which shall have been kept covered with water in the cistern for any less space than *Fifty* Hours from the time of the same having been first wetted or steeped, to wet, water or sprinkle any such corn or grain at the expiration of *Six* Days or *One hundred and forty-four* Hours after the same shall have been emptied or taken out of the cistern, on giving notice to the Officer of Excise of his intention to wet, water or sprinkle such corn or grain *Twenty-four* Hours before wetting, watering or sprinkling the same: Provided always, That every Maltster or Maker of Malt who shall wet, water or sprinkle any corn or grain making into Malt before the expiration of *Twelve* Days or *Two hundred and eighty-eight* Hours, except under the regulations and on giving such notice as aforesaid, shall be subject and liable to the penalty imposed by the said recited Act of the seventh and eighth years of the reign of his said late Majesty for such offence.

8.
11 Geo. 4,
c. 17, s. 21,
repealed.

And be it further Enacted, That so much of the said recited Act of the eleventh year of the reign of his said late Majesty as enacts, "that whenever the duty upon malt shall be charged by gauge of the corn or grain taken whilst the same is in a state of operation, or in process of making into Malt, such allowances shall be made upon such gauges as are thereafter mentioned, that is to say, upon every gauge thereof taken by the Officer of Excise in the cistern wherein the corn or grain is wetting or steeping to be made into Malt, during the time which such corn or grain shall be kept and continued in such cistern or in the couch frame into which such corn or grain shall be emptied, or on the floor during the period for which such corn or grain is by this Act before required to be kept and continued in such couch frame, and directed to be deemed in couch and gauged and taken account of as in such couch, an allowance shall be made by such Officer of Seventeen Bushels and One-half Bushel in every One hundred Bushels of the whole quantity of the corn or grain so found by such gauge, and upon every gauge taken by the Officer of Excise of such corn or grain on the floor after the expiration of *Twenty-six* Hours, if such corn or grain shall have been previously gauged and taken

taken account of in the couch frame, and if such corn or grain shall not have been so previously gauged, then, after the expiration of Thirty Hours, and before the expiration of Seventy-two Hours from the time when such corn or grain was emptied or taken from or out of the cistern, an allowance shall be made of One-third of the whole quantity of the corn or grain so found by such gauge as last aforesaid; and upon every gauge afterwards taken by the Officer of Excise of such corn or grain before the same shall be dried, an allowance shall be made by such Officer of One-half of the whole quantity of such corn or grain so found by such gauge as last aforesaid, and the duty of Excise on Malt when charged upon the corn or grain in a state of operation or in process of making into Malt as aforesaid, shall be charged on the best of the several gauges so taken as aforesaid after such allowances shall have been so made thereon respectively as aforesaid," shall be and the same is hereby Repealed.

And be it further Enacted, That in lieu of the allowances hereby repealed, there shall be made upon the gauges of corn or grain taken whilst the same is in operation or in process of making into Malt the allowances following; that is to say, upon every gauge thereof taken by the Officer of Excise in the cistern wherein the corn or grain is wetting or steeping to be made into Malt during the time that such corn or grain shall be kept and continued in such cistern or in the couch frame into which such corn or grain shall be emptied, or on the floor during the period for which such corn or grain is by the said recited Act of the eleventh year of the reign of his said late Majesty required to be kept and continued in such couch frame, or directed to be deemed in couch, and gauged and taken account of as in couch, an allowance shall be made by such Officer of *Eighteen* Bushels and *One-half* Bushel in every *One hundred* Bushels of the whole quantity of the corn or grain so found by such gauge, and upon every gauge taken by the Officer of Excise of such corn or grain on the floor or on the kiln after the expiration of *Twenty-six* Hours, if such corn or grain shall have been previously gauged and taken an account of in the couch frame, and if such corn or grain shall not have been so previously gauged, then, after the expiration of *Thirty* Hours, an allowance shall be made by such Officer of *One-half* of the whole quantity of such corn or grain found by such gauge before the said corn or grain shall be wholly dried off and removed from the kiln, and the duty of Excise on Malt, when charged by gauge upon the corn or grain in a state of operation or in process of making into Malt, shall be charged on the best of the several gauges so taken as aforesaid, after such allowances shall have been so made thereon respectively as aforesaid.

9.
Allowances
to be made on
gauging Corn
or Grain
making into
Malt for the
charge of
Duty.

10.
Maltster
may have Six
Floors, in-
cluding the
Couch and
Kiln, in
operation
at the same
time.

AND whereas by the said recited Act of the seventh and eighth years of the reign of his said late Majesty, no Maltster or Maker of Malt is allowed at one and the same time to have more than Five Floors or quantities of corn or grain making into Malt in the couch frame or on the floor or kiln, or all or any of them, wetted or steeped in, and arising from, or pretended to have been wetted or steeped in, and to have arisen from or denoted by its place of deposit in the malthouse to have been wetted or steeped in and to have arisen from one and the same cistern, or one or more cisterns emptied into one and the same couch frame, under a penalty of Two hundred Pounds; BE it further provided and Enacted, That no Maltster or Maker of Malt shall incur or be subject to the said penalty for or by reason of his having at the same time Six Floors or quantities of corn or grain making into Malt in the couch frame or on the floor or kiln, or all or any of them, wetted or steeped in and arising from one and the same cistern or from one or more cisterns emptied into one and the same couch frame.

11.
Officer to
enter on the
specimen the
number of
Bushels
charged on
each steeping.

And be it further Enacted, That every Officer of Excise surveying any Maltster or Maker of Malt shall in respect of every wetting or steeping of corn or grain to be made into Malt, at his next visit after the quantity of corn or grain so wetted or steeped shall have been dried off into Malt and removed from the kiln, enter on the specimen the number of Bushels of Malt with which the Maltster or Maker of Malt shall be chargeable on such wetting or steeping, according to the best gauge at any time had on such corn or grain, showing in such entry whether such charge has arisen from the cistern or couch or the floor or kiln.

12.
Commence-
ment of Act.

And be it further Enacted, That this Act shall commence and take effect on the day of *One thousand eight hundred and Thirty-*

13.
Act may be
altered in the
present Ses-
sion.

And be it further Enacted, That this Act may be repealed, altered or amended by any Act to be passed in this present Session of Parli-
ment.

Malt Excise.

A

B I L L

To alter and amend certain Laws of Excise
relating to the Revenue of Excise on Malt
made in the United Kingdom.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Mr. Baring.)

Ordered, by The House of Commons, to be Printed,
15 August 1836.

18 July 1836.—7 WILL. IV.



(Ireland.)

A

B I L L

For more effectually securing the Duty on Malt
in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS the Duty on Malt made in Ireland is greatly evaded, to the injury of His Majesty's Revenue, and it is necessary to make further Regulations, in addition to those now in force, for more effectually securing the payment of the said Duty in that part of the United Kingdom; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT no Maltster, Factor or Dealer in Malt, Brewer, Distiller or other person in Ireland, shall remove, deliver or send out, or cause or suffer to be removed, delivered or sent out from his stock, custody or possession, nor shall any Maltster, Factor, Brewer, Distiller, Miller or other person in Ireland, take or receive, or cause or suffer to be taken or received into his stock, custody or possession, any quantity of Malt exceeding *Two* Bushels, without a true and proper Permit granted by the proper Officer of Excise accompanying the same; and every Permit which shall be granted for the removal of any Malt shall be granted and issued, obtained and used under the rules, regulations and provisions (except so far as the same may be herein expressly altered or otherwise directed) of an Act passed in the second year of the reign of His present Majesty, intituled, "An Act to consolidate and amend the Laws regulating the granting and issuing of Permits for the removal of Goods under the Laws of Excise;" and that all and every the

Preamble.

1.
No Malt to be removed or sent out of or received into Stock, without a proper Permit, to be granted under the Permit Law.

clauses,

clauses, provisions, pains, penalties, fines and forfeitures contained in and imposed and inflicted by the said Act, shall extend to and shall be applied in the execution of this Act; and to all and every Permit which shall be granted for the removal of any Malt in Ireland, and to the persons issuing, obtaining or using the same, or removing, delivering or sending out, taking or receiving Malt without Permit, as fully and effectually to all intents and purposes as if the said clauses, provisions, pains, penalties and forfeitures were repeated and re-enacted in this Act. 5

2.
Persons found carrying Malt without Permit, or in Sacks or Packages without the word Malt marked thereon, to forfeit £.100, and to be liable to arrest.

And be it further Enacted, That it shall be lawful for any Officer of Excise to stop and detain any person who shall be found removing or carrying any Malt, and to examine such Malt, and the Sacks or Packages containing the same, and to demand the production of the Permit or Permits accompanying such Malt, if the same shall amount to a quantity for which a Permit is by this Act required; and every person so found removing any Malt required to be accompanied by a Permit, who shall, when required by any Officer of Excise, refuse to produce such Permit, or to allow the Officer to make such examinations as aforesaid, or who shall be found removing or carrying any Malt (for which a Permit is required) without a Permit, or in any Sack or other Package not having the word "Malt" marked thereon, as hereinafter is directed, shall for every such offence severally forfeit *One hundred* Pounds, and the Malt so removing or carrying shall be forfeited, and may be seized; and every such Officer is hereby authorized and required to stop, arrest and detain every such person, and convey him, together with the Malt so found removing and carrying, before *One* or more of His Majesty's Justices of the Peace residing near to the place where such person shall be so stopped or arrested, to be dealt with in the manner directed in respect of persons arrested being found removing or carrying Stills without Permit, or illicit Spirits, by an Act passed in the first and second years of the reign of His present Majesty, intituled, "An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in Ireland," under the provisions of which Act all such Malt so seized shall be condemned, and the said penalty of *One hundred* Pounds hereby imposed be recovered, mitigated, paid and applied. 10 15 20 25 30 35

3.
Constabulary Force authorized to seize illegal Malt.

And be it further Enacted, That it shall and may be lawful for any Chief or Sub-Constable of the Constabulary Force in Ireland, who shall meet with any person carrying or removing any Malt, to stop such person, and demand the production of the Permit accompanying such Malt, and if a Permit shall not be produced, such Malt being a quantity exceeding *Two* Bushels, to seize such Malt and 40

and detain the person carrying or removing the same, and to deliver such Malt and such person into the custody of the next Officer of Excise, to be dealt with as hereinbefore directed, as if such person had been originally stopped and arrested by such Officer of
 5 Excise; and it shall be lawful for every such Chief and Sub-Constable, and they are hereby authorized and empowered to seize all Malt forfeited under any law or laws of Excise, and all corn and grain illegally making into Malt, which they may discover whilst
 10 in the discharge of their duty, or to destroy any such corn or grain making into Malt, if the same cannot be removed; and all Malt, and corn and grain making into Malt, which shall be so seized by any such Chief or Sub-Constable, shall be as soon as convenient delivered over to the next Officer of Excise, to be disposed of under the provisions of the laws of Excise.

15 And be it further Enacted, That if any Malt, exceeding in the whole the quantity of *Two* Bushels, shall be conveyed by any person in Sacks or Packages, by land or by water, from place to place in Ireland, or shall be found on any carriage or beast, or on board
 20 any boat or other vessel, without their being marked on the outside of every Sack or other Package containing such Malt, at or near the middle of such Sack or other Package, the word "Malt" in black roman letters, not less than *Three* Inches in length; or if one part of such Sack or Package, on which the word "Malt" shall be so stamped or marked, or the uppermost Sack or Package (where there
 25 shall be more Sacks or Packages than one) shall not be so placed as to appear in public view without altering the position of such Sack, then and in every such case all such Malt shall be forfeited.

4.
 Sacks or Packages in which more than Two Bushels of Malt shall be removed, to be marked with the word Malt.

And be it further Enacted, That every Maltster and Maker of Malt, and every Brewer and Distiller, shall, in addition to the entry
 30 of their premises now required, and also every Factor and other person dealing in or storing Malt, shall make entry with the Officers of Excise, in manner by law required, of all stores or places used or intended to be used for keeping or storing Malt, with a description of the situation thereof, and of every floor, loft and
 35 room therein, and the measure in inches of the length, breadth and height of each such store, floor, loft and room, and shall cause to be painted with an oil colour, black or white, on the outside of every door of every such store, loft and room, in legible letters and figures at least *Three* Inches in length, the words "Malt Store,"
 40 and the Number thereof; and if any Malt, exceeding the quantity of *Two* Bushels, shall be found in any store, floor, loft or room of any such person as aforesaid, of which such entry shall not have been made, or upon the door of which such letters and figures shall not be painted, and remain so painted and legible, or in or on any store, floor, loft or room, the dimensions whereof shall exceed by

5.
 Entry to be made of all Malt Stores, with a description thereof, and of the length, breadth and height.

Four Inches in length, breadth or height the dimensions specified in such entry, all such Malt shall be forfeited and may be seized, and the person in whose store, floor, loft or room the same shall be found shall forfeit *One hundred* Pounds.

6.

Officers of
Excise to
keep Accounts
of the Stocks
of Malt.

And be it further Enacted, That an Account shall be taken and 5
kept by the Officers of Excise, in such manner as the Commis-
sioners of Excise shall direct, of the stock of Malt of every Malt-
ster, Brewer and Distiller, Factor and other person dealing in or
storing Malt in Ireland; and for the purpose of taking and keeping 10
such Account, it shall be lawful for any Officer of Excise, and he is
hereby authorized and empowered at any time to enter into the
malthouse and malt stores of any Maltster or Maker of Malt,
Brewer, Distiller, Factor or other person, and to gauge, measure
and take an account of all Malt therein, and to demand all Per- 15
mits received with any Malt to be delivered up to him; and if any
such Officer shall be obstructed, hindered or prevented, or by any
art or contrivance deceived in taking such account in any malt-
house or malt store, the Owner thereof shall forfeit *Two hundred*
Pounds.

7.

Maltsters,
Brewers, &c.
to make
Declarations
of the quan-
tity of Malt
in their pos-
session.

And be it further Enacted, That every Maltster, Brewer and Dis- 20
tiller, Factor and other person dealing in or storing Malt in Ireland,
shall, on the *commencement of this Act*, and at such other times as
the Commissioners of Excise shall direct, deliver to the Officer of
Excise a Declaration, containing a true and particular account of all
Malt then in his custody and possession, specifying the stores, floors, 25
lofts and rooms in which the same shall then be; and if, upon
taking an account of such Malt, any greater or lesser quantity, to the
extent of *Three* per centum, shall be found than stated and specified
in such Declaration, the person by or on whose behalf such Decla-
ration shall have been made shall forfeit *Fifty* Pounds. 30

8.

Penalty for
Increase in
Stock.

And be it further Enacted, That whenever any greater quantity
of Malt shall be found in the possession of any Maltster or Maker
of Malt, Brewer, Distiller, Factor or other person dealing in or
storing Malt, than by the stock account of the Officer of Excise
ought to be in the possession of such Maltster, Brewer, Distiller, 35
Factor or other person, all such increased quantity shall be forfeited,
and the Maltster, Brewer, Distiller, Factor or other person in whose
possession the same shall be found shall forfeit for every Bushel
thereof the sum of *Twenty* Shillings.

9.

Penalty for
Decrease in
Stock.

And be it further Enacted, That in every case where the stock 40
of Malt in the possession of any Maltster or Maker of Malt, Brewer,
Distiller, Factor or other person dealing in or storing Malt, shall be
less than the quantity of Malt which, by the stock account kept by
any

any Officer of Excise, ought to be in the possession of such Factor, Dealer, Brewer or Distiller, every such person shall forfeit *Twenty* Shillings for every Bushel of such decrease: Provided always, That such penalty shall not be incurred if such decrease shall not exceed *Five* per centum.

And be it further Enacted, That every Maltster and Maker of Malt, and every Brewer, Distiller, Factor and other person dealing in or storing Malt, shall place and keep all Malt in his custody or possession (not being Malt in operation or process of malting) in such convenient and regular form as may enable the Officer of Excise conveniently to gauge and ascertain the true quantity thereof, and shall also, on demand of any Officer of Excise, furnish such Officer with a sufficient number of persons provided with shovels, or other sufficient instruments, for levelling all Malt to be gauged by such Officer; and if any Maltster, Brewer, Distiller, Factor or other person shall refuse or neglect to keep all or any Malt in his possession in such convenient and regular form as aforesaid, or shall refuse or neglect to furnish any Officer of Excise with such sufficient number of persons provided as aforesaid, or to cause such persons to level all Malt required to be levelled, and to leave sufficient head-room or space between the ceiling or roof of any store, loft or room, and the surface of the Malt therein, so as to enable such Officer to take a correct gauge thereof with convenience, the Maltster, Brewer, Distiller, Factor or other person so offending shall for every such offence forfeit *One hundred* Pounds.

10.
Maltsters, &c. to place their Malt in Stock regularly, and to furnish sufficient assistance to Officers in levelling Malt to be gauged.

And be it further Enacted, That no Brewer or Distiller who shall make Malt shall mix, or cause or suffer to be mixed, any Malt made by him with any Malt made by any other person; but every such Brewer and Distiller shall keep all Malt made by him in stores or rooms separate and distinct from the stores or rooms in which he shall keep any Malt made by any other person; and every such Brewer and Distiller in whose stores any Malt made by him shall be found mixed with any Malt made by any other person, or not kept in separate and distinct stores or rooms, shall forfeit all such Malt and *One hundred* Pounds.

11.
Brewer or Distiller making Malt not to mix Malt of his own making with Malt made by any other person.

And be it further Enacted, That every Officer of Excise keeping or taking an account of the stock of Malt of any Distiller in Ireland, shall debit such stock by deducting therefrom the quantity of Malt from time to time mashed or brewed by such Distiller, as appearing by the notice required to be given by such Distiller, *Six* Hours before he shall mash or brew any corn or grain, according to the provisions of an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to grant certain

12.
The quantity of Malt mashed by Distillers, as appearing by their Notices, to be deducted from the Stock.

Duties of Excise upon Spirits distilled from Corn or Grain in Scotland and Ireland, and upon Licenses for Stills for making such Spirits, and to provide for the better collecting and securing such Duties, and for the warehousing of such Spirits without payment of Duty.”

13.

The quantity of Malt used by Brewers in brewing, as appearing by their Entries, to be deducted from the Stock.

And be it further Enacted, That every Officer of Excise keeping or taking an account of the stock of Malt of any Brewer in Ireland, shall debit such stock by deducting therefrom the quantity of Malt used by such Brewer from time to time in the brewing of Beer, as appearing from the entries required to be made by such Brewer in the book to be kept by him for that purpose, according to the provisions of an Act passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, “An Act to consolidate and amend certain Laws relating to the Revenue of Excise on Malt made in the United Kingdom, and for amending the Laws relating to Brewers in Ireland, and to the Allowance in respect of the Malt Duty on Spirits made in Scotland and Ireland from Malt only.”

14.

Malt removed from Great Britain into Ireland to be accompanied by a Certificate.

And be it further Enacted, That all Malt which shall be removed from Great Britain into Ireland shall be accompanied by a Certificate granted and signed by the Maker thereof; which Certificate shall set forth and specify the quantity of Malt, and that the same was really and truly made, and the full Duties thereon duly charged at his malthouse, the situation whereof shall also be stated; and the person accompanying such Malt on the removal thereof, or to whom the same shall be consigned in Ireland, or his agent at the port of arrival, shall produce such Certificate to the proper Officers of Excise and Customs at such port, and shall sign a Declaration on such Certificate, that to the best of his knowledge and belief the Malt so removed is the Malt specified in such Certificate; and if any Malt shall be brought from Great Britain into any port or place in Ireland unaccompanied by such Certificate, or if on the arrival of the same in Ireland the person accompanying the same, or the consignee thereof, or his agent, shall not deliver such Certificate and make such Declaration as aforesaid, all such Malt shall be forfeited and may be seized by any Officer of Customs or Excise; and if any Maltster in Great Britain shall give any false Certificate, or if any person shall forge or counterfeit any such Certificate, or shall produce or make use of any forged or counterfeit Certificate, or shall make any false Declaration, the Maltster or other person so offending shall forfeit *Two hundred Pounds*.

15.

On production of the Certificate, the Officer of Excise to grant Permits.

And be it further Enacted, That the Officer of Excise to whom such Certificate shall be produced shall and he is hereby authorized, on a proper request note or request notes being delivered to him by the

the person producing the same, grant a Permit or Permits for the removal of such Malt from the vessel in which the same shall then be, to the stock of the person or persons to whom the same shall be required to be removed according to such request note or request
 5 notes; and if the whole of such Malt shall not be required to be removed at the same time, such Officer of Excise shall specify, by indorsement on such Certificate, the quantity for the removal whereof he shall grant a Permit or Permits, and when such Certificate shall be exhausted by Permits having been granted for the
 10 whole of such Malt, such Officer shall and he is hereby required to take such Certificate into his custody and possession, and to retain the same, to be disposed of in such manner as the Commissioners of Excise shall direct.

And be it further Enacted, That it shall be lawful for the Com-
 15 missioners of Excise, in their discretion, to withdraw and annul the License of any Maltster or Maker of Malt, who shall be convicted of any offence against the laws for securing the Duty on Malt in Ireland, and also to refuse to grant a License to any person to make Malt in any malthouse or premises which shall have been occupied
 20 by the person so convicted.

License for making Malt in any Malthouse which has been occupied by a person so convicted.

16.

Commissioners of Excise may annul the License of any Maltsters convicted of any offence against the Malt Law, and may refuse a

And be it further Enacted, That this Act shall commence and take effect on the day of
One thousand eight hundred and Thirty-

17.

Act to commence on

And be it further Enacted, That this Act, or any of the provisions thereof, may be altered, amended or repealed by any Act to be passed in this present Session of Parliament.

18.

Act may be altered in the present Session.

Malt Duties (Ireland.)

A

B I L L

For more effectually securing the Duty on
Malt in Ireland.

(*Prepared and brought in by*
Mr. More O'Ferrall and Mr. Baring.)

Ordered, by The House of Commons, to be Printed,
18 July 1836.

18 March 1836.—6 WILL. IV.



A

B I L L

To authorize the identifying or ascertaining of the Boundaries of Manors and Lands where such Boundaries are confused or unknown.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Be it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in the construction of this Act, the word "Manor" shall extend to a manor of any tenure whatsoever, whether freehold, leasehold, customaryhold, copyhold or other tenure, or any undivided share thereof, and shall include also a manor by reputation of any such tenure as aforesaid, or any undivided share thereof; and the word "Lands" shall extend to manors and reputed manors, and to messuages, lands, tenements, tithes and hereditaments, whether corporeal or incorporeal, of any tenure whatsoever, whether freehold, leasehold, customaryhold, copyhold or any other tenure, or any undivided share thereof, and also to lands of any such tenure as aforesaid, subject to tithes, or any undivided share thereof; and the word "entitled," except so far as the same may apply to manors, shall mean seised or possessed or entitled, either at law or in equity, and shall also mean entitled to the actual possession, or to the receipt of the rents, issues and profits for any estate whatsoever, except an estate by way of mortgage or charge, and except an estate for a term of ninety-nine years absolute, or for any fewer number of years absolute; and the word "entitled," so far as the same may apply to "Manors," shall mean in the receipt of the rents, issues and profits for any estate whatsoever, and that notwithstanding any defect in or want of title; and the expression "doubts respecting the Boundaries" shall mean confusion in or

I.
Meaning of
certain Words
and Expressions.
"Manor."

"Lands."

"Entitled."

"Doubts respecting the Boundaries."

doubt

doubt or uncertainty respecting the quantities and boundaries, or the boundaries alone, of manors or lands of different tenures, whether subject to the same or different titles, or respecting the quantities and boundaries, or the boundaries alone of lands of the same tenures, but subject to different titles, or respecting the quantities and boundaries or boundaries alone of lands of the same or different tenures, held of the lord of the same manor, or of the lords of different manors; and the expression "ascertain the Identity" shall mean ascertain and determine all facts, matters and things requisite to remove and clear up "doubts respecting the Boundaries" of lands; and the word "Person" shall extend to a body politic, corporate or collegiate, as well as an individual; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender shall extend and be applied to a female as well as a male: Provided always, That those words and expressions occurring in this clause to which more than one meaning is to be attached, shall have all or any one or more of the different meanings given to them by this clause, as the circumstances of each particular case shall require; and shall not have the different meanings given to them by this clause in those cases in which there is any thing in the subject or context repugnant to such construction.

2.
Repeal of
2 & 3 Will. 4.
c. 80.

And be it further Enacted, That from and after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six*, an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to authorize the identifying of Lands and other Possessions of certain Ecclesiastical and Collegiate Corporations," shall be and the same is hereby Repealed, except so far as relates to any matter or thing then previously done under the said Act, and except so far as relates to any matter or thing then depending under the said Act.

3.
Power to Persons to appoint Referees to ascertain the identity of Lands.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six*, it shall be lawful for every person beneficially entitled to Lands, of which there shall be any doubts respecting the Boundaries, by Deed to appoint a Referee, in order to ascertain the identity of all or of such of the said Lands as shall be mentioned or referred to in such Deed; and every such Deed shall be sealed and delivered in the presence of and shall be attested by *Two* or more Witnesses: Provided nevertheless, That where *Two* or more persons shall be entitled, either as co-parceners, joint-tenants or tenants in common, to any Lands, nothing herein contained shall be deemed or taken to enable such persons to appoint in any one case more than one Referee: Provided further nevertheless, That nothing herein contained shall be deemed or taken to prevent the appointment of a sole Referee.

And

And be it further Enacted, That every Referee appointed for the purposes of this Act shall be a Barrister at Law, who shall at the time of his appointment be of at least *Ten Years* standing at the Bar.

4.
Qualification
of Referee.

5 And be it further Enacted, That every appointment by any person of a Referee pursuant to this Act, shall be made either with or without the consent of any other person, according to the circumstances hereinafter mentioned ; (that is to say)

5.
Cases in which
consents shall
or shall not be
necessary to
the appoint-
ment of
Referees.

10 If the Referee shall be appointed by any person who shall be entitled to such Lands for a term of years absolute, subject to a pecuniary rent, then such appointment shall be made with the consent of the person who shall for the time being be beneficially entitled to the receipt of such rent, whatever may be the estate or interest in the Lands of the person for the time being entitled to the receipt of such rent.

20 If the Referee shall be appointed by any person who shall be entitled to such Lands for a term of years, determinable on the dropping of any life or lives subject to a pecuniary rent, then such appointment shall be made with the consent of the person who shall for the time being be beneficially entitled to the receipt of such rent, whatever may be the estate or interest in the Lands of the person for the time being entitled to the receipt of such rent.

25 If the Referee shall be appointed by any person who shall be entitled to such Lands, subject to a mortgage or charge, then such appointment shall be made with the consent of the person beneficially entitled to such mortgage or charge.

30 If the Referee shall be appointed by an Archbishop or Bishop, then such appointment shall be made with the consent of the Dean and Chapter of the Cathedral Church which shall be locally situate within the Diocese of such Archbishop or Bishop.

35 If the Referee shall be appointed by the Dean of any Cathedral Church, or by the Dean and Chapter of any Cathedral Church, or by the Prebendary of any Prebend founded in any Cathedral Church, or by the Vicars of any Cathedral Church, then such appointment shall be made with the consent of the Bishop of the Diocese within which such Cathedral Church shall be locally situate.

If the Referee shall be appointed by any Archdeacon, then such appointment shall be made with the consent of the Bishop of the Diocese within which the jurisdiction of such Archdeacon shall be confined.

If the Referee shall be appointed by any lay Corporation of any Cathedral Church, then such appointment shall be made with the consent of the Dean and Chapter of such Cathedral Church.

If the Referee shall be appointed by a Parson or Vicar, or other Incumbent for the time being of any Ecclesiastical Benefice, Perpetual Curacy or Parochial Chapelry (not being the Vicars of any Cathedral Church), then such appointment shall be made with the consent of the Patron of such Benefice, Perpetual Curacy or Parochial Chapelry, and of the Bishop of the Diocese within which the same shall be locally situate.

If the Referee shall be appointed to ascertain the identity of any Lands which the person appointing such Referee shall hold, either immediately or subject to any intermediate estate whatsoever, under any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, Vicars of a Cathedral Church, Parson, Vicar or other Incumbent, then such appointment shall be made with the consent of such Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, Vicars of such Cathedral Church, Parson, Vicar or other Incumbent, as the case may be; and also with the consent of the other person (if any) whose consent would have been necessary under this Act, in case such appointment had been made by such Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, Vicars of such Cathedral Church, Parson, Vicar or other Incumbent, as the case may be.

If the Referee shall be appointed in order to ascertain the identity of Lands held in Socage of the Lord of any Manor, then such Referee shall be appointed with the consent of the Lord of such Manor.

If the Referee shall be appointed in order to ascertain the identity of Lands held by Copy of Court Roll, then such Referee shall be appointed with the consent of the Lord of the Manor of which such Lands are parcel.

If the Referee shall be appointed in order to ascertain the identity of any Manor, then such appointment shall be made with the consents following; (that is to say)

If there shall be any person or persons, being a Free Tenant or Free Tenants of such Manor, and also any person or persons holding of such Manor Lands by Copy of Court Roll, then such appointment shall be made with the consent of such Free Tenant or Free Tenants, or with the consent of the Homage assembled at a Court Baron holden for such Manor, and also with the consent of the person or persons holding

holding Lands of such Manor by Copy of Court Roll, or with the consent of the Homage assembled at a Customary Court holden for such Manor.

5 If there shall be any person or persons, being a Free Tenant or Free Tenants of such Manor, but there shall not be any person or persons holding of such Manor Lands by Copy of Court Roll, then such appointment shall be made with the consent of such Free Tenant or Free Tenants, or with the consent of the Homage assembled at a Court Baron holden for such Manor.

10 If there shall be any person or persons holding of such Manor Lands by Copy of Court Roll, but there shall not be any person or persons being a Free Tenant or Free Tenants of such Manor, then such appointment shall be made with the consent of the person or persons holding Lands of such Manor by Copy of Court Roll, or with the consent of the Homage assembled at a Customary Court holden for such Manor.

And that in all cases and under all circumstances, except those before mentioned, such appointment shall be made without the consent of any person or persons whomsoever.

And be it further Enacted, That a person shall, for the purposes of this Act, be considered as beneficially entitled to any Manor or Lands, notwithstanding he shall be so entitled, subject to any mortgage, charge or incumbrance affecting such Manor or Lands, or his estate or interest only therein, and whether such Manor or Lands, or his estate therein, shall have been so mortgaged, charged or incumbered either by himself or by any other person, and notwithstanding the whole of the rents and profits of such Manor or Lands, or of his estate therein, shall be exhausted or required for the payment of the mortgage, charge or incumbrance affecting such Manor or Lands, or his estate therein, and of the interest thereon.

6.

Persons, for the purposes of this Act, to be considered entitled to Manors or Lands, notwithstanding the same, or the Estates of such Persons therein, shall be charged or incumbered.

And be it further Enacted, That in each and every case in which a Referee shall be appointed pursuant to this Act, in order to ascertain the identity of any Lands, and in which a Referee shall be appointed pursuant to this Act, in order to ascertain the identity of any other Lands, and there shall be any doubts respecting the Boundaries between the Lands, to ascertain the identity of which such Referees shall be so appointed, it shall be lawful for the Referees (if more than one), or for the Referee, in the case of a sole Referee, and they or he are or is hereby required, in the first place, to inquire whether there are any doubts respecting the Boundaries between the Lands, to ascertain the identity of which they or he shall be so appointed, and if they or he shall be satisfied that there are any doubts respecting the Boundaries of such Lands, then it shall be lawful for such Referees or Referee, and they or he are or is hereby required to make or cause to be made a

7.

Powers and duties of Referees.

Survey, Map and Admeasurement of all such Lands ; and it shall be lawful for such Referees or Referee, by writing under their or his hands or hand, to summon persons to appear as Witnesses before such Referees or Referee, and to examine such persons on oath (which oath such Referees or Referee are or is hereby authorized and required to administer), and by the same or any other writing under their or his hands or hand, to order to be produced before them or him all Surveys, Maps, Deeds, Books, Papers and Writings relating to such Lands which shall be in the custody or power of all or any of the persons entitled to such Lands, or of any of them, or of any other person or persons whomsoever ; and such Referees or Referee, after having to their or his satisfaction investigated and considered the evidence produced before them or him, shall and may make one or more Award or Awards in writing under their or his hands and seals or hand and seal, and shall annex thereto a Map or Maps of such Lands ; and such Award or Awards and Map or Maps shall be made upon vellum ; and such Referees or Referee by their or his Award or Awards shall ascertain the identity of such Lands, and the Award or Awards of such Referees or Referee shall be binding and conclusive on the persons respectively appointing them or him, and all other persons whomsoever claiming or to claim any estate, right, title or interest whatsoever in or to such Lands, or any of them, or any part or parts thereof ; and the Award or Awards of such Referees or Referee shall be conclusive evidence that at the time of their or his appointment there were doubts respecting the Boundaries of such Lands.

8.

Summonses and Orders by the Referees under this Act to be of the same force as those by the Judges of the Courts of Record.

And be it further Enacted, That every Summons by a Referee or Referees, pursuant to this Act, to any person or persons to appear before such Referee or Referees, and also every Order by a Referee or Referees under this Act, for the production to him or them of any Surveys, Maps, Deeds, Books, Papers and Writings, shall be of the same force and effect in every respect ; and persons shall be liable to the same consequences for disobeying any such summons or order as if such summons or order had been respectively issued, granted or made by the Justices or Judges of any of His Majesty's Courts of Record ; and any of His Majesty's Courts of Record shall, upon an application ex parte by the Referee or Referees who shall have issued, granted or made any such summons or order which shall be disobeyed, and on the production of an affidavit of the service of such summons or order, enforce such summons or order in the same manner as if such summons or order had been respectively issued, granted or made by the Justices or Judges of such Court of Record.

9.

Power to Persons to appoint new Referees in the place of those dying or resigning.

And be it further Enacted, That in case any Referee appointed under this Act shall die or desire to resign, or become incapable to act, before the purposes for which he shall have been appointed shall have been fully answered, and before a final Award shall have been made concerning the same, then and in such case the person or persons who shall for the time being be entitled to the Lands in order to ascertain the identity of which the Referee so dying or desiring to resign shall have

have been appointed, shall and he or they is or are hereby required, by some Deed under his or their hand and seal or hands and seals, to appoint without delay another Referee in the place of the Referee so dying or desiring to resign; and all the provisions in this Act contained shall to all intents and purposes apply to every Referee appointed by virtue of this present clause: Provided nevertheless, That nothing in this present clause contained shall be deemed or taken to authorize any Referee appointed by virtue of this present clause, to inquire into any matter or thing which shall have been finally determined on either by any Award or Awards, or otherwise, by the Referee in whose place the Referee appointed by this present clause shall have been appointed.

And be it further Enacted, That in every case in which Two or more Referees shall be appointed for the purposes of this Act, and such Referees shall differ respecting any matter or thing relating to the purposes for which such Referees shall have been appointed, such Referees shall by writing under their hands appoint an Umpire to determine the matter or thing respecting which such Referees shall so differ; and the decision of such Umpire respecting such matter and thing shall be binding and conclusive on such Referees, and all persons whomsoever, and such Referees shall award accordingly.

10.
Power to Referees in case of their disagreement to appoint Umpires.

And be it further Enacted, That every appointment of a Referee or Umpire under this Act, and every award by a Referee or Referees under this Act, and every decision by an Umpire under this Act, shall be valid and binding on all persons whomsoever, notwithstanding the person or persons or any of them who shall have appointed such Referee or Referees shall die, or the estate in respect of which such person or persons shall have made such appointment shall cease, or such person or persons shall have sold or disposed of such estate before the Referee or Referees under this Act shall have made their award or awards, or before such Umpire shall have made his decision.

11.
Appointments of Referees and Umpires and Awards to be binding notwithstanding deaths of parties, or the cesser, or alienation of their estates.

Provided always, and be it further Enacted, That if any person empowered by this Act to appoint, or whose consent is required by this Act to the appointment of a Referee, in order to ascertain the identity of any Lands, shall be a minor, idiot or lunatic, then the Guardian of such minor, or the Committee of the estate of such idiot or lunatic (as the case may be), shall, for all the purposes of this Act, be substituted in the place of such minor, idiot or lunatic (as the case may be), and all the provisions in this Act contained shall apply to such Guardian or Committee to all intents and purposes as if he were beneficially entitled to such Lands.

12.
Guardians of Infants, and Committees of Lunatics, to be substituted in the place of such Infants and Lunatics, for the purposes of this Act

Provided always, and be it further Enacted, That if the person for the time being appointing or consenting to the appointment of a Referee under this Act, in order to ascertain the identity of any Lands,

13.
Femes Covert to concur in the appointment of Referees by their Husbands,

who shall be entitled in right of their Wives.

Lands, shall be the Husband of a Feme Covert, entitled in her right to such Lands, then such Feme Covert shall concur in the appointment or in consenting to the appointment of such Referee, and the Deed by which any Feme Covert shall so concur shall be acknowledged by her, pursuant to an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the Abolition of Fines and Recoveries, and for the substitution of more simple modes of Assurance."

14.
Appointment of Referees to ascertain the identity of Manors, and the Awards of such Referees, &c. to be entered on the Court Rolls in certain cases.

Provided always, and be it further Enacted, That every Deed by which a Referee shall be appointed under this Act in order to ascertain the identity of any Manor, and also the Award or Awards of such Referee, together with the Map or Maps annexed to such Award or Awards, shall, if there shall be any person being a free tenant of such Manor, or any person holding Lands of such Manor by Copy of Court Roll, be produced to the Lord of such Manor, or his Steward, or the Deputy of such Steward, and on the production thereof, the Lord, or Steward, or Deputy Steward, shall cause the same to be entered on the Court Rolls of such Manor, and shall also by writing under his hand, to be indorsed on such Deed, and also on such Award or Awards, state that the same respectively had been entered on the Court Rolls, and the indorsement purporting to be so signed shall of itself be primâ facie evidence that the Person who signed the indorsement was the Lord of such Manor, or his Steward, or the Deputy of such Steward, and that the Deed or Award on which such indorsement shall be made had been duly entered on the Court Rolls.

15.
Appointments of Referees to ascertain the identity of Lands held of any Manor, and the Awards of such Referees to be entered on the Court Rolls.

Provided always, and be it further Enacted, That every Deed by which a Referee shall be appointed under this Act, in order to ascertain the identity of any Lands held of the Lord of any Manor, either in Socage or by Copy of Court Roll, and also the Award or Awards of such Referee, together with the Map or Maps annexed to such Award or Awards, shall be produced to the Lord of such Manor, or his Steward, or the Deputy of such Steward, and on the production thereof, the Lord, or Steward, or Deputy Steward, shall cause the same to be entered on the Court Rolls of such Manor, and shall also by writing under his hand, to be indorsed on such Deed, and also on such Award or Awards, state that the same respectively had been entered on the Court Rolls, and the indorsement purporting to be so signed shall of itself be primâ facie evidence that the person who signed the indorsement was the Lord of such Manor, or his Steward, or the Deputy of such Steward, and that the Deed or Award on which such indorsement shall be made had been duly entered on the Court Rolls.

16.
Consents of Persons requisite to the appointment of Referees, to be given by

And be it further Enacted, That when the consent of any person shall be requisite to the appointment of a Referee for the purposes of this Act, such consent shall be given by the same Deed by which such appointment shall be made, and the person whose consent shall be requisite

requisite shall seal and deliver such Deed in the presence of *Two* or more witnesses, who shall attest such sealing and delivery.

the Deed by which such appointment shall be made.

And be it further Enacted, That where the consent of the Homage assembled at a Court Baron, or at a Customary Court holden for any
5 Manor, shall be requisite to the appointment of a Referee for the purposes of this Act, the Lord of such Manor, or his Steward, or the Deputy of such Steward, holding such Court, shall take such consent, and shall cause the same to be entered on the Court Rolls, and shall also, by writing under his hand, to be indorsed either at the
10 Court at which the consent of the Homage shall be taken, or out of Court, on the Deed appointing such Referee, state that such consent had been given, and had been entered on the Court Rolls; and the indorsement purporting to be so signed shall of itself be *prima facie* evidence that such consent had been given, and that the person who
15 signed the indorsement was the Lord of the Manor, or his Steward, or the Deputy of such Steward.

17.
Consents by the Homage, where requisite to the appointment of Referees, shall be entered on the Court Rolls.

And be it further Enacted, That the powers given by this Act of appointing and of consenting to the appointment of Referees, in order to ascertain the identity of Lands, shall and may be exercised by the
20 Masters, or other Heads and Fellows and Scholars, or other Societies of the several Colleges and Halls in the Universities of Oxford and Cambridge, and of the Colleges of Eton and Winchester; and by the Masters and Brethren or other Governors and Directors of Hospitals; and by the Trustee or Trustees for any such College, Hall or Hospital
25 as aforesaid; and by the Feoffees or Trustees for any charitable, eleemosynary, or other public purposes whatsoever; and by Trustees for the sale of Lands, and by Mortgagees with a power of sale of Lands; and by persons authorized or directed by any Court of Equity to sell
30 Lands; and all the provisions in this Act shall apply to such Masters or other Heads and Fellows and Scholars, or other Societies, Masters and Brethren, or other Governors and Directors, Feoffees, Trustees, Mortgagees and persons respectively, as fully and effectually to all intents, constructions and purposes whatsoever, as if such Masters
35 or other Heads and Fellows and Scholars, or other Societies, Masters and Brethren, or other Governors and Directors, Feoffees, Trustees, Mortgagees and persons respectively, were beneficially entitled to the Lands, in order to ascertain the identity of which such Referees shall be appointed.

18.
Powers of this Act extended to collegiate Corporations, and to Trustees for charitable and other public purposes, and also to Trustees, Mortgagees, and other Persons empowered to sell.

Provided always, and be it further Enacted, That every Deed by
40 which a Referee shall be appointed under this Act by any Archbishop or Bishop, and also the Award or Awards of such Referee, together with the Map or Maps annexed to such Award or Awards, shall be deposited in the Office of the Registrar of such Archbishop or Bishop; and every Deed by which a Referee shall be appointed under this Act by any Dean, Dean and Chapter, Prebendary or Vicars of any Cathedral Church, or Archdeacon, and also the Award or Awards of such

19.
Appointments of Referees by Archbishops, &c. and the Awards of such Referees to be deposited in the offices of the Registrars of such Archbishops, &c.

last-mentioned Referee, together with the Map or Maps annexed to such Award or Awards, shall be deposited in the Office of the Registrar of the Dean and Chapter of such Cathedral Church ; and every Deed by which a Referee shall be appointed under this Act by any Master or other Head, or by any Fellows and Scholars, or other Societies of the several Colleges and Halls in either of the Universities of Oxford and Cambridge, or of the Colleges of Eton and Winchester, and also the Award or Awards of such last-mentioned Referee, together with the Map or Maps annexed to such Award or Awards, shall be deposited in the Office of the Steward or other proper Officer of such Colleges and Halls ; and every such Registrar, Steward or other Officer, or some person or persons on his behalf, shall produce the Documents so deposited with him at all proper and usual hours of business to every person interested therein, or to his or her agent duly authorized, who shall make application to inspect the same or any of them, and shall furnish a Copy or Copies of the same or any of them to every such person or agent who shall make application for such Copy or Copies ; and every such Registrar, Steward or other Officer shall in every case be entitled to the sum of *Five* Shillings and no more for receiving and preserving such Documents, and the sum of *One* Shilling and no more for every production of the same or any of them to be inspected, and the sum of *Sixpence* and no more for every folio containing Seventy-two words of every Copy, and the sum of *Ten* Shillings and no more for every Copy of a Map.

20.
Expenses of
proceedings
under the Act,
how to be
paid.

And be it further Enacted, That in every case in which persons shall avail themselves of the provisions of this Act, all the Expenses of carrying into execution such provisions shall be paid and borne by such persons in such manner, shares and proportions as they shall agree ; and in case such person shall not make any agreement relating to such Expenses, then such Expenses, or so much thereof as shall not be provided for by such Agreement, shall be paid and borne by such persons in equal shares and proportions : Provided nevertheless, That in no case shall any Person whose consent is made requisite by this Act be subject or liable to any of the Expenses of carrying into execution any of the provisions of this Act, so far as relates to the Lands in respect of which his consent is made requisite.

Manorial Boundaries.

A

B I L

To authorize the identifying or ascertaining
of the Boundaries of Manors and Lands
where such Boundaries are confused or
unknown.

(Prepared and brought in by
Mr. Attorney-General and Mr. Solicitor-General.)

Ordered, by The House of Commons, to be Printed,
18 March 1836.

14 July 1836.—7 WILL. IV.



(Ireland.)

A

B I L L

For the Regulation of the Medical Charities
supported by County Assessments in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH^{EREAS} it is expedient to make provision for the establishment of Dispensaries, Infirmaries, Fever Hospitals and Asylums for Incurables, wherever the same may be needed in Ireland, and for the good regulation thereof; **B**E it therefore **E**nacted, by The
 5 KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all monies raised by any Rate or Cess for the erection, support and maintenance of Dispensaries, Infirmaries, Fever Hospitals or
 10 Houses of Industry in Ireland, after the *Second Assizes* or presenting term in the year *One thousand eight hundred and Thirty-seven*, shall be raised and applied conformably to the provisions of this Act.

1.
All Rates for medical purposes to be hereafter applied according to this Act.

And be it Enacted, That the Board of Commissioners for the Poor of Ireland, constituted by and acting in execution of an Act of the
 15 present Session of Parliament, intituled, "An Act to provide for the Division of Ireland into Districts, for the purpose of Local Assessment, and to give Relief in certain cases to the Poor within such Districts," shall hereafter exercise a general superintendence over all Infirmaries, Fever Hospitals, Dispensaries, Lunatic Asylums and Asylums for In-
 20 curables throughout Ireland, and shall, after the *passing of this Act*, perform all such duties relating thereto as are by this Act imposed upon them.

2.
General Superintendence of Medical Charities vested in the Board of Commissioners for the Poor.

3.
Appointment
of Inspectors
of Medical
Institutions.

And it shall be lawful for the Board to appoint a number, not exceeding *Four*, of persons belonging to the medical profession, and duly qualified, to act as Inspectors of medical institutions throughout Ireland; and *One* or more of such Inspectors shall at least *Once* in every year visit, and locally inquire into all the circumstances connected with every Dispensary, Infirmary, Fever Hospital, Lunatic Asylum, and Asylum for Incurables supported by local rate in Ireland, and make a special report to the Board upon each such institution. 5

4.
Removal of
Inspectors.

And it shall be lawful for the Board from time to time to remove such Inspectors, and to appoint other Inspectors in their stead. 10

5.
Salaries of
Inspectors.

And the salaries of such Inspectors shall not exceed *Six hundred* Pounds per annum for each Inspector, and shall be paid by the Board; and the travelling expenses of such Inspectors shall also be paid by the Board, and such salaries and travelling expenses shall form a part of the incidental expenses of the Board. 15

6.
Court of Exa-
miners to
ascertain qua-
lification of
Medical
Officers.

And it shall be lawful for the Board to employ *Two* or more of such Inspectors, together with such other competent persons as the Board shall appoint, as a Court of Examiners, to report upon the qualifications of persons appointed to medical situations whose competency the Board is by this Act hereinafter required to ascertain. 20

7.
Inspectors
prohibited
from taking
Fees, &c.

And such Inspectors shall not themselves be attached to or in anywise interested in any of the institutions as aforesaid supported by local rate, or derive any pecuniary emolument therefrom, or from the performance of any duty imposed upon them by this Act, other than the salary hereinbefore provided; and any Inspector taking any fee or remuneration, other than such salary and travelling expenses, for the performance of any duty imposed upon him by this Act, shall for every such offence forfeit the sum of *Fifty* Pounds, and shall be for ever after incapable of holding any situation under the Board, or in any institution to which this Act refers. 25 30

8.
Division of
Counties into
Hospital and
Dispensary
Districts.

And the Board shall, within *Twelve* Months after the *passing of this Act*, divide each county into Hospital and Dispensary Districts; and each Hospital District shall be formed by the union of such a number of the Poor Relief Districts described in the hereinbefore recited Act as to the Board shall seem most convenient, but so that each Hospital District shall contain a population of not more than *Eighty thousand* Persons nor less than *Forty thousand* Persons, according to the census taken in pursuance of two several Acts passed in the fifty-fifth year of the reign of King GEORGE the Third, and in the first year of the reign of King WILLIAM the Fourth; and each Dispensary District shall be formed by the union of such number of Poor 35

Poor Relief Districts as shall to the Board seem most convenient, but so that each Dispensary District shall contain a population of not less than *Five thousand* Persons nor more than *Fifteen thousand* Persons, according to the census as aforesaid.

5 And there shall be in each Hospital District *One* Infirmary and *One* Fever Hospital, but not more, supported by local rate, as hereinafter provided; and in each Dispensary District there shall be *One* Dispensary supported by local rate as hereinafter provided, and not more than *One*.

9.
One Infirmary and one Fever Hospital to each Hospital District, and one Dispensary to each Dispensary District.

10 And the existing Infirmarys or Fever Hospitals in Ireland, which at present are supported either in whole or in part by Grand Jury Presentments, shall become District Infirmarys and District Fever Hospitals under this Act, and shall in all respects fall within the operation of this Act as such; and the property belonging thereto shall here-
15 after vest in the Board, in the name of the Secretary.

10.
Present Infirmarys and Fever Hospitals to be District Infirmarys and Fever Hospitals.

And for the proper management of such Infirmarys and Fever Hospitals, the Wardens of the several Poor Relief Districts, composing each Hospital District, shall meet and elect an Hospital Committee; and for the proper management of such Dispensaries, the Wardens
20 and Councils of the several Poor Relief Districts composing each Dispensary District shall meet and elect a Dispensary Committee; and each such Committee shall consist of not more than *Fifteen* Persons, and not less than *Seven* Persons; and the election of such Committees shall take place at such time and place and shall be held in such man-
25 ner as shall be appointed by the Board.

11.
Appointment of Hospital and Dispensary Committees.

And no person shall be eligible to be a Member of such Committees who is not a rate-payer under said Act, holding, if an occupier, premises valued at Pounds per annum; or, if a landlord, or intermediate lessee, unless he be liable to the payment of rates, by
30 way of deduction from his rent, of Pounds per annum, or be a Subscriber of *Three* Pounds per annum for the ensuing year to the Infirmary, Hospital or Dispensary of the district respectively; and if any such Subscriber be elected a member of such Committee, he shall at the time of his election be bound to produce the receipt of the
35 County Treasurer for such subscription as a voucher for its payment.

12.
Qualification of Members of such Committees.

And each Hospital Committee chosen as hereinbefore provided shall continue in office for *One* Year, in every year except the first year of its election, in which year such Hospital Committee shall continue to act until the *Fifth* of *February* next ensuing after its election; and each Dispensary Committee shall continue to act until the *Tenth* of *February* next ensuing after its election, and if either of these days

13.
Elections of Committees to take place annually in the month of February.

happen to fall upon Sunday, then until the days next ensuing, respectively ; and in every succeeding year after the first, the election of every Hospital Committee shall be held upon the *Fifth of February*, and the election of every Dispensary Committee shall be held upon the *Tenth of February*, subject to the like proviso in case Sunday shall fall upon either of these days. 5

14.
How the ex-
penses of
Medical In-
stitutions to
be provided
for and ap-
plied.

And each Hospital and each Dispensary Committee shall, as soon as may be after its appointment, form an estimate of the amount which will probably be required for the maintenance throughout the year of the Infirmary, Fever Hospital or Dispensary of the district respectively, 10 in which estimate shall be stated in detail all expenses that will probably be incurred, whether for buildings, repairs, provisions, medicines, salaries or other expenses incidental to such institutions, and shall transmit such estimate to the Board, signed by at least *Five* Members of each such Committee respectively ; and it shall be lawful for the 15 Board either to approve such estimates or to amend them, and the estimates so approved or amended shall be signed by the Secretary of the Board, and shall be sealed with the seal of the Board, and shall be sent back to the respective Committees, who shall transmit the same to the Treasurer of the county, and such estimate so sealed and 20 signed by the Board shall be a warrant to the Treasurer for the collection of the amount specified therein and no greater amount ; and it shall be lawful for such Treasurer to levy the amount so specified by a rate upon the Hospital and Dispensary Districts respectively ; and 25 such rate shall be a poundage upon the property valued in the registers of the Poor Relief Districts, and the rate to be raised for the maintenance of the Infirmary and the Fever Hospital shall be an uniform poundage throughout the Hospital District, and the rate to be raised for the maintenance of the Dispensary shall be an uniform poundage 30 throughout the Dispensary District ; and he shall issue his warrant to the Collectors of the several Poor Relief Districts composing the Hospital and Dispensary Districts, in which warrant shall be stated the poundage rate to be levied throughout the whole Hospital or Dispensary District, and the gross sum to be levied within each Poor Relief District, 35 which gross sum shall be ascertained by a reference to the amount of the property valued in the respective registers of the several Poor Relief Districts, and the several Collectors in such Poor Relief Districts shall collect such Hospital and Dispensary rates at the same time with, and in all respects in like manner with the Poor Rate of the district, and for its collection the Collectors shall be subject to the same liabilities and shall 40 enjoy the same powers of recovering the rate as under the aforesaid Act are authorized for the collection of the Poor Rate, and the several Collectors shall pay over the total sum so collected by them to the Treasurer of the county, subject to the like deduction of *Sixpence* in the Pound, as a remuneration for the trouble of collection, as is allowed in the case

of

of the Poor Rate; and the Treasurer of the county shall keep a separate account of the monies arising from such rate to the credit of each Hospital District and each Dispensary District within the county, and shall, out of the monies so lodged in his hands, honour the drafts of the Hospital and Dispensary Committees respectively: Provided each such draft bear the signature of at least *Five* Members of each such Committee.

And the securities of the County Treasurers of the several counties in Ireland shall be liable for the due care of the monies coming into their hands under the operation of this Act, and for the proper performance of their duties relating thereto, in all respects in like manner as they are now liable in regard of monies levied under Grand Jury presentment.

15.
Liability of
County
Treasurer.

And every Hospital and Dispensary Committee shall, upon the expiration of their year of office, prepare a statement in detail of the monies received, and expenditure on account of each such Hospital, Infirmary and Dispensary, respectively, and shall transmit one copy of such statement to the Board, and another copy thereof to the Treasurer of the county, who shall cause the same to be printed in the County Books, and any balance outstanding shall be carried to the next year's account; and in case any Committee shall neglect to transmit such accounts it shall be lawful for the Board to fine each member of such Committee in a sum not exceeding *Five* Pounds.

16.
Committees
to account.

And the Board shall make such general regulations, respecting the medical care of patients deriving medical aid from Infirmarys, Fever Hospitals and Dispensaries, and for the general management of such institutions, and respecting the number of medical attendants to be employed, and the duties to be required from them, as they shall think proper, and shall have power from time to time to alter such regulations.

17.
Board to
make Regula-
tions.

Provided always, That the total amount expended in salaries to medical attendants shall not exceed in each Hospital District the sum of *One hundred and fifty* Pounds per annum, and in each Dispensary District the sum of *One hundred and twenty* Pounds per annum: And provided also, That every medical attendant to every medical institution maintained under this Act shall reside within the district for which such institution is supported.

Proviso as to
Salaries and
Residence.

And the Hospital and Dispensary Committee of each District respectively shall nominate the medical attendants of the Hospital, Infirmary and Dispensary of each such district, subject to the provisions herein enacted; but no such medical attendant shall be considered as finally appointed to the care of any Fever Hospital, Infirmary or Dispensary,

18.
Committees
to nominate
Medical At-
tendants;
Board to
ascertain qua-
lification and
confirm ap-
pointment.

Dispensary, nor shall be entitled to receive any portion of the salary arising therefrom, until his nomination shall have been confirmed by the Board ; and before the Board shall signify their confirmation of such nomination, they shall satisfy themselves, by examination or otherwise, that such medical attendant is duly qualified.

5

19.
Power to re-
move Medical
Attendants.

And the appointment of each such medical attendant shall continue in force for *One Year* only, and in case his conduct shall not give satisfaction, it shall be lawful for the Committee by whom he has been appointed, with the consent of the Board, to remove such medical attendant, and to pay him only so much of his salary as agreed upon 10
for the year, as shall be proportionate to the time which shall have elapsed since his appointment.

20.
Power to alter
Districts.

And it shall be lawful for the Board whenever any abuses may arise, or whenever the public convenience may require such a proceeding, to break up and alter such Hospital and Dispensary Districts, 15
and to make new unions by uniting together the several Poor Relief Districts, under the limitation and direction hereinbefore provided.

21.
Board em-
powered to
appoint Com-
mittees where
not elected.

And in case the Wardens of the several Poor Relief Districts, comprising any such Hospital District, or in case the Wardens and Councils of the several Poor Relief Districts, comprising any such 20
Dispensary District, shall neglect or refuse to elect an Hospital or Dispensary Committee for such Districts respectively, or in case such Committees when chosen shall refuse or neglect to perform the duties by this Act imposed, in the manner hereinbefore provided, it shall be lawful for the Board to appoint a Committee for the management 25
of the Infirmary, Fever Hospital or Dispensary in any District so making default ; and such Committee shall continue to act until the *Fifth of February* next ensuing, in any such Hospital District, and until the *Tenth of February* next ensuing, in any such Dispensary District ; and such Committee shall have all the like 30
powers and duties as if they had been duly chosen under the provisions of this Act.

22.
Power to rent,
purchase and
sell, &c.

And it shall be lawful for the Hospital and Dispensary Committees to be elected as appointed under any Act, with the consent of the Board, to hold, rent, purchase, sell or demise, any lands, tenements 35
or hereditaments the possession of which may become necessary in carrying this Act into execution, but all property acquired for the purposes of this Act shall vest in the Board, and all conveyances or assignments of lands, tenements and hereditaments shall be made in the name of their Secretary.

40

23.
Power to bor-
row from
Board of
Works.

And it shall be lawful for the Hospital Committees acting in execution of this Act, with the consent of the Board, to borrow from the

the Commissioners acting in pursuance of an Act of the first and second year of His present Majesty's reign, intituled, "An Act for the Extension and Promotion of Public Works in Ireland," such sums as may be required for building or enlarging or repairing any Infirmary or Fever Hospital under this Act, or for the purchasing any lands or tenements required for the purposes of this Act, giving, as a security for the repayment, a charge upon the Hospital Rate to be levied in the District.

And notwithstanding any Acts now in force respecting Houses of Industry, it shall be lawful for the Grand Juries of the several counties in Ireland, with the consent of the Board, to apply the present Houses of Industry to the reception of idiots, epileptics, incurable lunatics, and other persons requiring medical supervision, and any Houses of Industry so applied shall hereafter be called Asylums for Incurables.

24.
Houses of Industry may be converted into Asylums for Incurables.

And wherever by any Act now in force, authority is given to commit vagrants or other offenders to Houses of Industry as a prison or house of correction, such authority shall hereafter cease as to Houses of Industry, but shall be extended so as to allow persons who before this Act might be committed to any House of Industry, to be committed to the common bridewell, gaol or house of correction.

25.
Vagrants, &c. no longer to be committed to Houses of Industry.

And be it Enacted, That the Grand Jury of each county shall appoint a Committee, not exceeding *Fifteen* in number, nor less than *Seven*, to manage such Asylum for Incurables, and the Treasurer of the county shall be the Treasurer to such Asylum; and all drafts for payments required for such Asylum shall be signed by at least *Five* Members of the Committee; and the Board shall make rules and regulations for the management of such Asylums.

26.
Appointment of Committee of Asylum for Incurables.

And it shall be lawful for the Grand Jury of any county to raise money by Presentment, to be levied off the county at large, for the purpose of building and maintaining such an Asylum for Incurables where no House of Industry at present exists which can be converted to this purpose, and to authorize the Committee appointed by them to purchase, with the consent of the Board, lands, tenements and hereditaments for that purpose, and to contract for the building of such Asylum, and to do all matters and things required for the establishment of such Asylum; but the property appertaining to such Asylum shall vest in the Board, and all conveyances or assignments of lands or tenements shall be made in the name of the Secretary of the Board; and previous to each Assizes, an account of the expenditure during the preceding half-year just expired, together

27.
How expense of maintaining Asylums for Incurables to be regulated and defrayed.

ther with an estimate, in detail, of all the expenditure which will be required during the ensuing half-year, shall be prepared by the Committee of each Asylum, and shall be transmitted to the Board, and the Board shall either approve or amend such estimate, and the estimate so approved or amended shall be submitted to the Grand Jury; and it shall be lawful for the Grand Jury to present any sum not exceeding the gross amount contained in that estimate as approved or amended by the Board, and such presentment shall be levied off the county at large. 5

28.
Inspectors
under this
Act to be In-
spectors of
Lunatic
Asylums.

And after the *passing of this Act*, the Inspectors appointed by the Board shall be the Inspectors of all district Lunatic Asylums supported by Presentment in Ireland, established under any Acts now in force, and such Inspectors shall have all the same powers relating to the inspection of such Lunatic Asylums as by any Acts now in force relating to Lunatic Asylums are given to the Inspectors General of Prisons. 10 15

29.
Grand Juries
to appoint
representa-
tives on Board
of Manage-
ment for Dis-
trict Lunatic
Asylums.

And at the *First Assizes* in the year *One thousand eight hundred and Thirty-seven*, the Grand Jury of each county in Ireland contributing to the support of any district Lunatic Asylum shall appoint *Four* Persons to act as the representatives of such county on the Local Board of Management for such Lunatic Asylum, who shall have all the like powers and duties as are imposed upon the Governors and Directors of such Lunatic Asylums appointed in pursuance of former Acts, and shall, together with such Governors and Directors, constitute the Local Board of Management for such Lunatic Asylum. 20 25

30.
Not otherwise
to affect Acts
now in force
relating to
Lunatic
Asylums.

And nothing in this Act contained shall be construed to apply to the District Lunatic Asylums of Ireland otherwise than is herein specially provided.

31.
Quarterly
Returns to be
made of state
of Disease and
of Expendi-
ture upon
Medical Cha-
rities, and to
be laid before
Parliament.

And be it Enacted, That a quarterly return of the state of disease in each district, and of the number of patients to whom medical aid has been administered in each of the Institutions aforesaid, shall be transmitted to the Board by the medical attendants attached to each such Institution, and a general abstract and summary of such returns, together with a general abstract and summary of the expenditure upon each class of the Medical Institution aforesaid, shall be laid before Parliament in each year during its sitting. 30 35

32.
Recovery of
Penalties.

And where by this Act any forfeiture or penalty is imposed, such forfeiture or penalty shall be recovered by the Collector of the Board in all respects in like manner as is provided in the hereinbefore recited Act for the Relief of the Poor.

And

And where in this Act the word " Board " is used, it shall be construed to mean the Board of Commissioners for the Poor ; and where the word " County " is used, it shall be construed to mean county, county of a city or county of a town ; and where power is given to
5 any Grand Jury, the same power shall be transferred to any Fiscal Board for county purposes which may be hereafter substituted for the Grand Jury.

33.
Explanation
of Terms.

Medical Charities.

(Ireland.)

A

B I L L

For the Regulation of the Medical Charities
supported by County Assessments in Ireland.

(*Prepared and brought in by*
Mr. W. S. O'Brien, Mr. Wyse and Mr. F. French.)

Ordered, by The House of Commons, to be Printed,
14 July 1836.

14 June 1836.—6 WILL. IV.



A

B I L L

To provide for the Attendance and Remuneration of Medical Witnesses at Coroners' Inquests.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

5 **W**HEREAS it is expedient to provide for the attendance of
Medical Witnesses at Coroners' Inquests, also remuneration
for such attendance, and for the performance of post-mortem Exami-
nations at such Inquests; ~~BE it therefore Enacted~~, by The KING's
most Excellent MAJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, THAT when-
ever upon the summoning or holding of any Coroner's Inquest it
shall appear to the Coroner that the deceased person was attended at
10 his death, or during his last illness, by any legally qualified medical
Practitioner, it shall be lawful for the Coroner to issue his order, in
the Form marked (A.) in the Schedule hereunto annexed, for the attend-
ance of such Practitioner as a Witness at such Inquest; and if it shall
15 appear to the Coroner that the deceased person was not attended at
or immediately before his death by any legally qualified Medical
Practitioner, it shall be lawful for the Coroner to issue such order for
the attendance of any legally qualified Medical Practitioner being at
the time in actual practice in or near the place where the death has
happened; and it shall be lawful for the Coroner, either in his order
for the attendance of the Medical Witness, or at any time between
the issuing of such order and the termination of the Inquest, to

Preamble.

1.
Summoning
of Medical
Witnesses.

direct the performance of a post-mortem examination by the Medical Witness or Witnesses who may be summoned to attend at any Inquest.

2.

Additional Medical Evidence, if the first be not satisfactory.

And be it further Enacted, That whenever it shall appear to any *Six* of the Jurymen sitting at any Coroner's Inquest, that the cause of death has not been satisfactorily explained by the evidence of the Medical Practitioner who may be examined in the first instance, such *Six* of the Jurymen are hereby authorized and empowered to name to the Coroner any other legally qualified Medical Practitioner or Practitioners, and to require the Coroner to issue his order, in the Form hereinbefore mentioned, for the attendance of such last-mentioned Medical Practitioner or Practitioners as a Witness or Witnesses, and for the performance of a post-mortem examination, whether such an examination has been performed before or not; and if the Coroner, having been thereunto required, shall refuse to issue such order, he shall be deemed guilty of a *Misdemeanor*, and shall be punishable in like manner as if the same were a misdemeanor at Common Law.

3.

Fees to Medical Witnesses, and Funds for their payment.

And be it further Enacted, That when any legally qualified Medical Practitioner has attended upon any Coroner's Inquest in obedience to any such order as aforesaid of the Coroner, the said Practitioner shall for such attendance be entitled to receive such remuneration or fee as is mentioned in the Table marked (B.) in the Schedule hereunto annexed; and the Coroner is hereby required and commanded to make, according to the Form marked (C.) in the Schedule hereunto annexed, his order for the payment of such remuneration or fee, and such order shall be addressed and directed to the Overseers of the Parish in which the Inquest has been held, according to the general description of the said Overseers, or to any one of them; and such Overseers, or any one of them, is and are hereby required and commanded to pay the sum of money mentioned in such order of the Coroner to the Medical Witness aforementioned, or his messenger, out of the funds collected for the relief of the Poor of the said parish.

4.

Fee not payable for a post-mortem Examination instituted without order from the Coroner.

Provided nevertheless, and be it further Enacted, That no order of payment shall be given, or fee or remuneration paid, to any Medical Practitioner for the performance of any post-mortem examination which may be instituted without the previous direction of the Coroner.

5.

Inquests on Bodies of Persons dying in public Institutions.

Provided also, and be it further Enacted, That when any Inquest shall be holden on the body of any person who has died in any public Hospital or Infirmary, or in any building or place belonging thereto, or used for the reception of the patients thereof, or who has died

died in any County or other Lunatic Asylum, or in any public Infirmary or other public Medical Institution, whether the same be supported by endowments or by voluntary subscriptions, then and in such case nothing herein contained shall be construed to entitle the Medical Officer whose duty it may have been to attend the deceased person as
 5 such Medical Officer in such Institution as aforesaid to the fees or remuneration herein provided.

6.

Penalty for
neglecting to
attend.

And be it further Enacted, That where any order for the attendance of any Medical Practitioner as aforesaid shall have been personally
 10 served upon such Practitioner, or where any such order not personally served shall have been received by any Medical Practitioner in sufficient time for him to have obeyed such order, or where any such order has been served at the residence of any Medical Practitioner, and it shall appear to any *Six* of the Jurymen that such order had come
 15 to his hands in sufficient time for him to have obeyed it, then and in every such case it shall be lawful for the Coroner, at a request made by any *Six* of the Jurymen, and the Coroner is hereby required and commanded to issue his Warrant in the Form given in the Schedule hereunto annexed marked (D.) to any Constable or other Peace Officer,
 20 to bring such Medical Practitioner at any time and place specified in such Warrant before the Coroner and the Jury, for the purposes mentioned in the said order; and in every case where any Medical Practitioner has not obeyed such order, he shall for such neglect or disobedience forfeit the sum of sterling, upon complaint thereof made
 25 by the Coroner, or any *Two* of the Jury, or the Constable who served the order, before any *Two* Justices having jurisdiction either in the parish or place where the Inquest under which the order issued was held, or in the parish where such Medical Practitioner resides; and such *Two* Justices are hereby required, upon such complaint, to proceed to the hearing and adjudication of such complaint, and, if substantiated, to enforce the said penalty by distress and sale of the offender's
 30 goods, as they are empowered to proceed by any Act of Parliament for any other penalty or forfeiture.

SCHEDULE to which this Act refers.

(A.)

FORM of SUMMONS.

CORONER's Inquest at _____ upon the Body of _____
By virtue of this my order, as Coroner for _____ you are required
to appear before me and the Jury at _____ on the _____ day of
18 _____, at _____ o'clock, to give evidence touching the cause of death of
[and then add, when the witness is required to make or assist at a post-mortem exami-
nation], and make or assist in making a post-mortem examination of the body, and
report thereon at the said Inquest.
(signed) _____ Coroner.
To _____ Surgeon [or, M. D., as the case may be.]

(B.)

TABLE of FEES.

1. To every legally qualified Medical Practitioner for attending and giving evidence under the provisions of this Act, at any Coroner's Inquest whereat no post-mortem examination has been made by such Practitioner, the Fee or remuneration shall be *One Guinea*.
 2. For the making of a post-mortem examination of the body of the deceased, and for attending to give evidence thereto, the Fee or remuneration shall be *Two Guineas*.
-

(C.)

CORONER's ORDER for the payment of MEDICAL WITNESSES.

By virtue of an Act of Parliament passed in _____ Session of
holden in the _____ intituled _____ I,
the Coroner of and for _____ do order you, the Overseers of the parish [or,
township, as the case may be] to pay to _____ the sum of [One Guinea,
or, Two Guineas, as the case may be], being the Fee [or, Fees] for the attendance of the
said _____ at an Inquest holden before me this _____ day of _____,
upon the body of _____ about the age of _____ who was
found dead at _____ [or other particulars or description], and at which said
Inquest the Jury returned a Verdict of _____
(signed) _____ Coroner.
Witnessed by me _____ of _____ a Juryman at the
said Inquest.
To the Overseers,
&c. &c. &c.

(D.)

WARRANT to CONSTABLES to enforce attendance of a WITNESS.

WHEREAS I have been required, by Six of the Jurymen sitting in inquisition upon the body of [with other descriptions, as the case may be] to issue my Warrant for the bringing of to give evidence before me and the Jury touching the cause of the death of the deceased person ; I therefore do authorize and order you to take into your custody the said wherever he may be found, and to bring him before me and the Jury at an adjourned Inquest to be holden at on the day of when and where I shall be informed that you have the custody of the said ; and you are hereby authorized and commanded to hold him in safe keeping until the examination of the said at the said adjourned Inquest shall have been concluded : and this Warrant shall be your sufficient authority.

To

Constable for

(signed)

Coroner.

Medical Witnesses.

A

B I L L

To provide for the Attendance and Remu-
neration of Medical Witnesses at Coroners'
Inquests.

*(Prepared and brought in by
Mr. Wakley and Mr. Warburton.)*

*Ordered, by the House of Commons, to be Printed,
14 June 1836.*



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To provide for the Attendance and Remune-
ration of Medical Witnesses at Coroners'
Inquests.

5 **W**H **E**R **E**A **S** it is expedient to provide for the attendance of
Medical Witnesses at Coroners' Inquests, also remuneration
for such attendance, and for the performance of post-mortem Exami-
nations at such Inquests; ~~W~~**E** ~~t~~**h**~~e~~~~r~~~~e~~~~f~~~~o~~~~r~~**e** ~~E~~**n**a****c****t****e****d**, by The KING's
10 most Excellent MAJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, **T****H****A****T** from
and after the passing of this Act, whenever upon the summoning
or holding of any Coroner's Inquest it shall appear to the Coroner
15 that the deceased person was attended at his death, or during his
last illness, by any legally qualified medical Practitioner, it shall
be lawful for the Coroner to issue his order, in the Form marked
(A.) in the Schedule hereunto annexed, for the attendance of such
Practitioner as a Witness at such Inquest; and if it shall ap-
20 pear to the Coroner that the deceased person was not attended at
or immediately before his death by any legally qualified Medical
Practitioner, it shall be lawful for the Coroner to issue such order for
the attendance of any legally qualified Medical Practitioner being at
the time in actual practice in or near the place where the death has
happened; and it shall be lawful for the Coroner, either in his order
for the attendance of the Medical Witness, or at any time between
the issuing of such order and the termination of the Inquest, to**

Preamble.

1.
Summoning
of Medical
Witnesses.

direct the performance of a post-mortem examination, with or without an analysis of the contents of the stomach or intestines, by the Medical Witness or Witnesses who may be summoned to attend at any Inquest; provided that if any person shall state upon oath before the Coroner that in his or her belief the death of the deceased individual was caused partly or entirely by the improper or negligent treatment of any Medical Practitioner or other person, such Medical Practitioner or other person shall not be allowed to perform or assist at the post-mortem examination of the deceased. 5

2.
Additional
Medical Evi-
dence, if the
first be not
satisfactory.

And be it further Enacted, That whenever it shall appear to any Six of the Jurymen sitting at any Coroner's Inquest, that the cause of death has not been satisfactorily explained by the evidence of the Medical Practitioner or other Witness or Witnesses who may be examined in the first instance, such Six of the Jurymen are hereby authorized and empowered to name to the Coroner in writing any other legally qualified Medical Practitioner or Practitioners, and to require the Coroner to issue his order, in the Form hereinbefore mentioned, for the attendance of such last-mentioned Medical Practitioner or Practitioners as a Witness or Witnesses, and for the performance of a post-mortem examination, with or without an analysis of the contents of the stomach or intestines, whether such an examination has been performed before or not; and if the Coroner, having been thereunto required, shall refuse to issue such order, he shall be deemed guilty of a Misdemeanor, and shall be punishable in like manner as if the same were a misdemeanor at Common Law. 10 15 20 25

3.
Fees to Me-
dical Wit-
nesses, and
Funds for
their pay-
ment.

And be it further Enacted, That when any legally qualified Medical Practitioner has attended upon any Coroner's Inquest in obedience to any such order as aforesaid of the Coroner, the said Practitioner shall for such attendance at any Inquest in *Great Britain* be entitled to receive such remuneration or fee as is mentioned in the Table marked (B.) in the Schedule hereunto annexed; and for any Inquest held in *Ireland*, the said Practitioner shall be paid in the manner provided by the laws in force in that part of the United Kingdom; and the Coroner is hereby required and commanded to make, according to the Form marked (C.) in the Schedule hereunto annexed, his order for the payment of such remuneration or fee, when the Inquest shall be held in *Great Britain*, and such order may be addressed and directed to the Overseers of the parish or place in which the Inquest has been held, either by their description of Overseers, or to any one or all of them by name; and such Overseers, or any one of them, is and are hereby required and commanded to pay the sum of money mentioned in such order of the Coroner to the Medical Witness therein mentioned, or his messenger, out of the funds collected for the relief 30 35 40

relief of the Poor of the said place ; and if the said Overseer or Overseers shall neglect to comply with such order for the space of Seven Days after such order has been presented to him or them for payment, the same may be enforced by distress and sale of the goods and chattels of the said Overseer or Overseers, upon complaint before any Justice of the Peace having jurisdiction in the said place.

Provided nevertheless, and be it further Enacted, That no order of payment shall be given, or fee or remuneration paid, to any Medical Practitioner for the performance of any post-mortem examination which may be instituted without the previous direction of the Coroner.

4.
Fee not payable for a post-mortem Examination instituted without order from the Coroner.

Provided also, and be it further Enacted, That when any Inquest shall be holden on the body of any person who has died in any public Hospital or Infirmary, or in any building or place belonging thereto, or used for the reception of the patients thereof, or who has died in any County or other Lunatic Asylum, or in any public Infirmary or other public Medical Institution, whether the same be supported by endowments or by voluntary subscriptions, then and in such case nothing herein contained shall be construed to entitle the Medical Officer whose duty it may have been to attend the deceased person as a Medical Officer of such Institution as aforesaid to the fees or remuneration herein provided.

5.
Inquests on Bodies of Persons dying in public Institutions.

And be it further Enacted, That where any order for the attendance of any Medical Practitioner as aforesaid shall have been personally served upon such Practitioner, or where any such order not personally served shall have been received by any Medical Practitioner in sufficient time for him to have obeyed such order, or where any such order has been served at the residence of any Medical Practitioner, and it shall appear to any Six of the Jurymen that such order had or would have come to his hands in sufficient time for him to have obeyed it, but for an intention or contrivance to evade such order, then and in every such case it shall be lawful for the Coroner, at the request made to him in writing by any Six of the Jurymen, and the Coroner is hereby required and commanded to issue his Warrant in the Form given in the Schedule hereunto annexed marked (D.) to any Constable or other Peace Officer, to bring such Medical Practitioner at any time and place specified in such Warrant before the Coroner and the Jury, for the purposes mentioned in the said order; and in every case where any Medical Practitioner has not obeyed such order, he shall for such neglect or disobedience forfeit the sum of Five Pounds sterling, upon complaint thereof made by the Coroner, or any Two of the Jury before any Two Justices having jurisdiction in the parish or place where the Inquest under which the order issued was

6.
Penalty for neglecting to attend.

held, or in the parish where such Medical Practitioner resides; and such Two Justices are hereby required, upon such complaint, to proceed to the hearing and adjudication of such complaint, and, if substantiated, to enforce the said penalty by distress and sale of the offender's goods, as they are empowered to proceed by any Act of Parliament for any other penalty or forfeiture.

SCHEDULE to which this ACT refers.

(A.)

FORM of SUMMONS.

CORONER's Inquest at upon the Body of

By virtue of this my order, as Coroner for you are required
to appear before me and the Jury at on the day of
18 , at o'clock, to give evidence touching the cause of death of
[and then add, when the witness is required to make or assist at a post-mortem exami-
nation, and make or assist in making a post-mortem examination of the body, with
[or, without] an analysis, as the case may be], and report thereon at the said Inquest.

(signed) Coroner.

To Surgeon [or, M. D., as the case may be.]

(B.)

TABLE of FEES.

1. To every legally qualified Medical Practitioner for attending to give evidence under the provisions of this Act, at any Coroner's Inquest whereat no post-mortem examination has been made by such Practitioner, the Fee or remuneration shall be One Guinea.
 2. For the making of a post-mortem examination of the body of the deceased, either with or without an analysis of the contents of the stomach or intestines, and for attending to give evidence thereon, the Fee or remuneration shall be Two Guineas.
-

(C.)

CORONER's ORDER for the payment of MEDICAL WITNESSES.

By virtue of an Act of Parliament passed in Session of
holden in the intituled I,
the Coroner of and for do order you, the Overseers of the parish [or,
township, as the case may be] to pay to the sum of [One Guinea,
or, Two Guineas, as the case may be], being the Fee [or, Fees] due to him for having attended
as a medical witness at an Inquest holden before me this day of ,
upon the body of about the age of who was
found dead at [or other particulars or description], and at which said
Inquest the Jury returned a Verdict of

(signed) Coroner.

Witnessed by me of

To the Overseers,
&c. &c. &c.

(D.)

WARRANT to CONSTABLES to enforce attendance of a WITNESS.

WHEREAS I have been required, by Six of the Jurymen sitting in inquisition upon the body of [with other descriptions, as the case may be] to issue my Warrant for the bringing of to give evidence before me and the Jury touching the cause of the death of the deceased person; I therefore do authorize and order you to take into your custody the said wherever he may be found, and to bring him before me and the Jury at an adjourned Inquest to be holden at on the day of when and where I shall be informed that you have the custody of the said ; and you are hereby authorized and commanded to hold him in safe keeping until the examination of the said at the said adjourned Inquest shall have been concluded: and this Warrant shall be your sufficient authority.

(signed)

Coroner.

To

Constable for

Medical Witnesses.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To provide for the Attendance and Remuneration of Medical Witnesses at Coroners' Inquests.

(Prepared and brought in by

Mr. Wakley and Mr. Warburton.)

Ordered by The House of Commons, to be Printed,

12 July 1836.



A

B I L L

To repeal so much of two Acts of the Ninth and Tenth Years of King GEORGE the Fourth, as directs the Period of the Execution and the Prison Discipline of Persons convicted of the Crime of Murder.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the ninth year of the reign of his late Majesty King GEORGE the Fourth, intituled, “An Act for consolidating and amending the Statutes in England relative to Offences against the Person,” it was, amongst other things, enacted, that every person convicted of Murder should be executed according to law on the day next but one after that on which the sentence should be passed, unless the same should happen to be Sunday, and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every Murderer, unless the Court should see reasonable cause for postponing the same; and such sentence should express not only the usual judgment of Death, but also the time thereby appointed for the execution thereof; and it was by the said Act provided, that after such sentence should have been pronounced it should be lawful for the Court or Judge to stay the execution thereof if such Court or Judge should so think fit: And whereas it was by the said Act, amongst other things, further enacted, that every person convicted of Murder should after judgment be fed with bread and water only, and with no other food or liquor, except in case of receiving the Sacrament, or in case of any sickness or wound, in which case the Surgeon of the Prison might order other necessaries to be administered; and that no person but the Gaoler and his servants, and the Chaplain and Surgeon of the Prison should have access to any such convict without the permission in writing of the Court or Judge before whom such convict should have been tried, or of the Sheriff or his Deputy; and it was by the said Act further provided, that in case the Court or Judge should think fit to respite the execution of such convict, such Court or Judge might, by a license

Preamble.

in writing, relax during the period of the respite all or any of the restraints or regulations thereinbefore directed to be observed: And whereas by another Act passed in the tenth year of the same reign, intituled, "An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person," the like provisions were made with respect to persons convicted of murder in Ireland: And whereas, for the ends of justice, and especially more effectually to preserve from an irrevocable punishment any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Acts in these respects; 5 10

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the said Acts of the ninth and tenth years respectively of the reign of his late Majesty King GEORGE the Fourth as is hereinbefore recited, shall be and the same is hereby Repealed. 15

Acts 9 & 10
Geo. 4, partially
repealed.

2.
Sentence of
Death for
Murder to be
pronounced as
in convictions
for other capital
offences.

And be it further Enacted, That from and after the *passing of this Act* sentence of Death may be pronounced after convictions for Murder in the same manner and the Judge shall have the same power in all respects as after convictions for other capital offences.

Murderers Execution.

A

B I L L

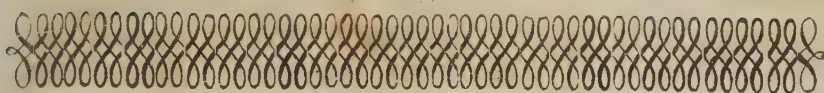
To repeal so much of two Acts of the Ninth and Tenth Years of King GEORGE the Fourth, as direct the Period of the Execution and the Prison Discipline of Persons convicted of the Crime of Murder.

(Prepared and brought in by

Mr. Aglionby, Mr. Ewart and Mr. Lennard.)

Ordered, by The House of Commons, to be Printed,

8 June 1836.



A

B I L L

To continue an Act of the Ninth Year of his late Majesty,
for the Administration of Justice in New South Wales and
Van Diemen's Land.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

W^H**EREAS** an Act was passed in the ninth year of the Preamble.
reign of his late Majesty King GEORGE the Fourth, intituled,
“An Act to provide for the Administration of Justice in New South
Wales and Van Diemen's Land, and for the more effectual Govern-
ment thereof, and for other purposes relating thereto:” **AND** whereas
5 the said Act will expire at the end of the Session of Parliament
next following the Thirty-first day of December One thousand
eight hundred and Thirty-six; and it is expedient to continue the said
Act for a limited time; **BE it therefore Enacted**, by The KING's
10 most Excellent MAJESTY, by and with the Advice and Consent of
the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, **THAT**
the said Act shall be and the same is hereby continued until the
Thirty-first day of December One thousand eight hundred and Thirty-
seven, and thenceforward until the *End* of the then next Session of
Parliament. Recited Act
continued.

Administration of Justice,
(New South Wales.)

A

B I L L

To continue an Act of the Ninth Year of his
late Majesty, for the Administration of
Justice in New South Wales and Van
Diemen's Land.

(Prepared and brought in by
Sir George Grey and Mr. Attorney General.)

Ordered, by The House of Commons, to be Printed,
7 July 1836.

A

B I L L

To alter and amend several Acts for the better Regulation of
Public Notaries in England.

[Note.--The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS by an Act passed in the forty-first year of the Preamble.
reign of his late Majesty King GEORGE the Third, intituled, "An Act for the better Regulation of Public Notaries in
England," it is enacted, that after the first day of August One
thousand eight hundred and one, no person shall be sworn, admitted
and enrolled as a Public Notary, unless such person shall have been
bound by contract in writing, or by indenture of apprenticeship, to
serve as a Clerk or Apprentice for the term of not less than seven years
to a Public Notary, or a person using the art and mystery of a Scrivener
(according to the privilege and custom of the City of London, such
Scrivener being also a Public Notary), duly sworn, admitted and
enrolled, and shall have continued in such service for the said term
of seven years; and certain other enactments are contained in the
said Act, regulating the admission and practice of Public Notaries: And
whereas by an Act passed in the third and fourth years of the reign of
His present Majesty King WILLIAM the Fourth, intituled, "An Act
to alter and amend an Act of his late Majesty King GEORGE the Third,
for the better Regulation of Notaries in England," persons are allowed
to practise as Public Notaries, "upon the Master of the Court of
Faculties of his Grace the Lord Archbishop of Canterbury being
satisfied as well of the fitness of the person as of the expediency of
the appointment:" And whereas the provisions of the said Acts
are in their operation found to be extremely unjust and inconvenient;
BE it therefore Enacted, by The KING's most Excellent MA-
JESTY, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT from and after the
passing of this Act, the said recited Act, passed in the forty-first year
of the reign of King GEORGE the Third, and all and every the
provisions therein contained, shall be limited and confined to a circuit
of *Ten Miles* of the Royal Exchange, London.

1.
Act 41 Geo. 3.
confined to
Metropolis.

2.
Master of
Faculties may
admit certain
Persons as
Notaries.

And be it further Enacted, That from and after the *passing of this Act* it shall and may be lawful for the Master of the Court of Faculties of his Grace the Lord Archbishop of Canterbury from time to time to admit and cause to be sworn and enrolled in the said Court of Faculties as Notary any person not usually resident within the circuit of *Ten Miles* of the Royal Exchange, London, who shall have been previously admitted, sworn and enrolled an Attorney or Solicitor in any of the Courts at Westminster, or who shall be a Proctor practising in any Ecclesiastical Court; any law or usage to the contrary notwithstanding. 5 10

3.
Master of
Faculties may
admit Persons
who have
served a term
to a Notary.

And be it further Enacted, That the said Master of the Court of Faculties shall and may from time to time admit and cause to be sworn and enrolled in the said Court of Faculties as Notary any person not usually resident within the circuit of *Ten Miles* of the Royal Exchange, London, who has served the term of *Five Years* with a Notary Public; any law or usage to the contrary notwithstanding. 15

4.
Such Notaries
not to practise
within Ten
Miles of the
Royal Ex-
change.

Provided always, and be it further Enacted, That nothing herein contained shall extend to authorize any Notary, who shall be admitted by virtue of this Act to practise as a Notary, or to perform or certify any notarial act whatsoever within the circuit of *Ten Miles* of the Royal Exchange, London.

Notaries Public.

A

B I L L

To alter and amend several Acts for the better
Regulation of Public Notaries in England.

(Prepared and brought in by
Mr. Charles Butler, Mr. Ewart, and
Mr. Tooke.)

Ordered, by The House of Commons, to be Printed,
23 June 1836.

18 April 1836.—6 WILL. IV.



A

B I L L

For the Regulation and Improvement of the Public Oyster Fisheries in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS the regulating of the Public Oyster Fisheries in England and Wales, and near the Coasts thereof, so as to preserve the Brood and Spat of Oysters from injury and destruction, will be productive of much benefit to the Public, and also to the numerous Persons employed in such Fisheries; **B**E it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT no Oysters nor Oyster Brood shall be taken by any Person or Persons in or from any Oyster Ground or Fishery in any roadstead, bay, harbour, haven, creek, inlet or arm of the Sea in England or Wales, or near the Coasts thereof respectively, within the distance of *Three Leagues* at Sea, in a straight line from the shore, at any time between the *Twelfth* day of *May* and the *Fourth* day of *August* in any year after the *passing of this Act*: Provided always, That nothing in this Act contained shall extend or be construed to extend to any Oyster Fishery in which any Person or Persons, or any Body or Bodies politic or corporate, hath or have, or is or are or may be entitled to have or enjoy the exclusive right of Fishery therein, or to Oysters known by the denomination of Natives.

Preamble.

1.
No Oysters to be taken between the 12th May and the 4th Aug.

Exemption of Private Fisheries,

2.
No Person to dredge during the prohibited period, under a penalty.

And be it further Enacted, That if at any time between the *Twelfth* day of *May* and the *Fourth* day of *August* in any year, any Person shall, with or by means of any net, trawl, drag or dredge, or other instrument or engine whatsoever, take or catch, or cause to be taken or

197. A caught,

caught, any Oysters, or Oyster Brood or Spat, in any Oyster Ground or Fishery in any roadstead, bay, harbour, haven, creek, inlet or arm of the Sea in England or Wales, or near the Coasts thereof respectively, within the distance hereinbefore limited, or shall dredge for Oysters, or Oyster Brood or Spat, or shall use any Oyster drag or dredge, or any net, instrument or engine whatsoever, in any such Oyster Ground or Fishery, for the purpose of taking Oysters, or Oyster Brood or Spat, although no Oysters, or Oyster Brood or Spat, shall be actually taken, or shall with any net, instrument or engine, drag upon the ground or soil of any such Oyster Fishery, every such Person so offending shall forfeit and pay any sum not exceeding *Ten Pounds*; and shall also forfeit all the Oysters, Oyster Brood and Spat so taken or caught, together with all drags or dredges, nets, instruments and engines employed in the taking or catching thereof.

3.
Any Person found dredging during the prohibited period may be apprehended by a Peace Officer, and carried before a Justice of the Peace.

And be it further Enacted, That if any Person or Persons shall be found actually taking or catching any Oysters, or Oyster Brood or Spat, or dredging for Oysters, or Oyster Brood or Spat, or using any drag or dredge, or any net, instrument or engine whatsoever for that purpose, in any such Oyster Ground or Fishery at any time or times during such prohibited period as aforesaid, it shall and may be lawful to and for any Peace Officer to apprehend and to secure and detain every such Person so being found as aforesaid, and without any other Warrant than this Act, forthwith to carry and convey such Person before any Justice of the Peace for the county or place in or near which the cause of complaint shall have arisen, to be proceeded with according to the law under the provisions of this Act.

4.
Any Person having in his possession, in any Boat or Vessel, any Oysters, &c. during the prohibited period, liable to a Penalty.

First offence, not above 5*l.*
Second offence, 10*l.*

And be it further Enacted, That if at any time during such prohibited period as aforesaid, any Person shall have in his possession on board any Boat or Vessel in any such roadstead, bay, harbour, haven, creek, inlet or arm of the Sea as aforesaid, or near any part of the said respective coasts, any Oysters, or Oyster Brood or Spat, exceeding the quantity of *Four Gallons* imperial measure, every such Person so offending shall for the first offence forfeit and pay any sum not exceeding *Five Pounds*; and if any Person so convicted shall afterwards be guilty of the like offence, and shall be convicted thereof in like manner, every such Offender shall forfeit and pay any sum not exceeding *Ten Pounds* nor less than *Two Pounds*, and for every offence the Person offending shall also forfeit all such Oysters, Oyster Brood and Spat so in his possession as aforesaid: Provided always, That any Person charged with any such offence shall be at liberty to prove by way of defence in any proceeding against him for the recovery of the said penalties, or either of them, as last aforesaid; that the said Oysters, or Oyster Brood or Spat, were taken or caught elsewhere than in any such public Oyster Ground or Fishery as aforesaid.

And

- And be it further Enacted, That if at any time during the Oyster Season, commencing the *Fourth* day of *August* in every year, and ending the *Twelfth* day of *May* next following, any Person dredging in any Oyster Ground or Fishery in any roadstead, bay, harbour, haven, creek, inlet or arm of the Sea in England or Wales, or near to the respective Coasts thereof, within the distance hereinbefore limited, shall take or catch any Brood Oysters of less size than *Two Inches and a Half*, exceeding the quantity of *Four* Gallons imperial measure, every such Person so offending shall for the first offence forfeit and pay any sum not exceeding *Five* Pounds; and if any Person so convicted shall afterwards be guilty of the like offence, and shall be convicted thereof in like manner, every such Offender shall forfeit and pay any sum not exceeding *Ten* Pounds nor less than *Two* Pounds, and the Person offending shall for every offence also forfeit all such brood or unsizeable Oysters so taken as aforesaid.

5.
Persons, during the Oyster Season, not to take unsizeable Oysters.

Penalty for first offence.

Penalty for any subsequent offence.

- And be it further Enacted, That if at any time during the Oyster Season, commencing and ending as aforesaid, any Person shall have in his possession on board any Boat or Vessel in any such roadstead, bay, harbour, haven, creek, inlet or arm of the Sea as aforesaid, or near the said respective coasts, any such brood or unsizeable Oysters exceeding the quantity of *Four* Imperial Gallons, every such Person so offending shall for every such offence forfeit and pay any sum not exceeding *Five* Pounds; and shall also forfeit all such brood or unsizeable Oysters so in his possession as aforesaid.

6.
Any Person having in possession, on board any Boat or Vessel, unsizeable Oysters during the Oyster Season.

Penalty thereon.

- And be it further Enacted, That it shall and may be lawful to and for any Peace Officer, and to and for any and every other Person whom such Peace Officer shall call to his aid or assistance in the execution of this Act, to seize any Oysters, or Oyster Brood or Spat, or any drags or dredges, nets, instruments or engines by any of the provisions of this Act declared to be forfeited; and to enter and go on board any Boat or Vessel in any roadstead, bay, harbour, haven, creek, inlet, or arm of the Sea in England or Wales, or in or near any part of the Coasts thereof respectively, to make such seizure; and it shall and may be lawful to and for such Peace Officer, and any Person called to his aid and assistance, to take and throw overboard all such Oysters and Oyster Brood and Spat, so forfeited as aforesaid, as shall be found on board such Boat or Vessel; and if any Person or Persons on board of any such Boat or Vessel shall resist or oppose any such Peace Officer, or any Person called to his aid or assistance, or shall refuse to permit or suffer any such Peace Officer, or any Person or Persons called to his aid or assistance, to come on board such Boat or Vessel, or when such Peace Officer, or other Person or Persons as aforesaid, shall be on board, shall not permit or suffer such Peace Officer, or other Person or Persons as aforesaid, to view and examine all such Oysters and Oyster Brood and Spat found on board such Ship or Vessel, and to seize all such

7.
Peace Officer may seize Oysters and Oyster Brood, and Drags, &c. declared to be forfeited; and to go on Board any Boat or Vessel for the purpose.

Opposing Peace Officer.

Penalty
thereon.

8.

Recovery and
Application
of Penalties.

Oysters and Oyster Brood and Spat so forfeited as aforesaid, together with all such drags or dredges, nets, instruments or engines used in the taking or catching thereof, then and in such case every such Person so offending shall for every such offence forfeit and pay any sum not exceeding *Ten Pounds*.

5

And be it further Enacted, That all fines, penalties and forfeitures imposed by this Act, may be recovered in a summary way, on the evidence of one or more credible Witness or Witnesses, or on the confession of the Party offending, by the order or adjudication of any one Justice of the Peace for the county or place in or near which the offence shall be committed, on complaint to any such Justice for that purpose exhibited; and every such Justice is hereby authorized and required to summon before him any Witness or Witnesses, and to examine such Witness or Witnesses upon oath, of and concerning such offence, matters and things, and to hear and determine the same; and every such fine, penalty or forfeiture shall be levied, as well as the costs of such proceedings, in case of non-payment thereof, by distress and sale of the goods and chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by warrant under the hand and seal of such Justice, and the overplus (if any) of the monies so levied or recovered, after discharging the fine, penalty or forfeiture for which such warrant shall be issued, and the costs and expenses of recovering and levying the same, shall be returned, upon demand, to the owner or owners of the goods or chattels so seized or distrained; and in case any such fine, penalty or forfeiture shall not be forthwith paid upon conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted, to be detained and kept in safe custody until return can conveniently be made to such warrant of distress, unless the Offender or Offenders shall give sufficient security, to the satisfaction of such Justice, for his, her or their appearance before such Justice, on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than *Eight Days* from the time of taking such security, and which security the said Justice is hereby empowered to take, by way of recognition or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such county or place respectively, and he is hereby authorized and required, by warrant under his hand and seal, to cause such Offender or Offenders to be committed to the Common Gaol of such county or place, there to remain, without bail or mainprize, for any time not exceeding *Three* calendar Months, unless such fines, penalties and forfeitures, and all reasonable costs and charges, shall be sooner paid and satisfied; and all such fines, penalties and forfeitures, when so levied, shall be wholly applied and paid to the Informer.

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Provided

Provided always, and be it further Enacted, That all Complaints or Informations for offences against this Act, shall be laid within *Three* calendar Months after the offence committed, and not afterwards.

9.
Complaints to be laid within Three calendar Months.

AND for the more effectual prosecution of offences under this Act,
5 BE it Enacted, That where any Person shall be charged on the oath of a credible Witness, or before any Justice of the Peace, with any such offence, the Justice may summon the Party charged to appear at a time and place to be named in such summons; and if he shall not appear accordingly, then (upon proof of the service of the summons upon such
10 Person, by delivering the same to him personally, or by leaving the same at his or her usual place of abode) the Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such Person and bringing him before himself or some other Justice of the Peace, or the Justice before whom the charge shall
15 be made may (if he shall so think fit), without any previous summons, issue such warrant, and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the case.

10.
Power to apprehend Offenders in the first instance.

And be it further Enacted, That in all cases where any conviction
20 shall be had for any offence or offences committed against this Act, the form of conviction shall and may be in the words or to the effect following; (that is to say)

11.
Form of Conviction.

“ BE it Remembered, That on this day of
in the year of our Lord
25 A. B. is convicted before me, C. D., one of His Majesty's Justices of the Peace for the of having [as the offence shall be] contrary to the Provisions of an Act made in the year of the reign of King WILLIAM the Fourth, intituled [here set forth the title of this Act]: And I,
30 the said do adjudge him [or, her or them] to forfeit and pay for the same the sum of and also to pay the sum of for costs. Given under my hand and seal the day and year aforesaid.”

And be it further Enacted, That where any distress or distresses
35 shall be made for any sum or sums of Money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a trespasser on account of any defect in the summons, conviction, warrant of distress or other warrant or proceedings relating thereto; nor shall the Party or Parties distraining be deemed a trespasser or trespassers, *ab initio*, on account
40 of any irregularity by him or them done or committed after such distress made or taken; but the Person or Persons aggrieved by such

12.
Distress not to be deemed unlawful for want of Form.

irregularity shall and may recover full satisfaction for the special damage in any action upon the case.

13.
Appeal to the
Quarter
Sessions.

And be it further Enacted, That in case any Person shall think himself or herself aggrieved by any conviction or penalty had or inflicted in pursuance of this Act, or by any conviction of any Justice of the Peace for any fine, penalty or forfeiture incurred under this Act, or by any thing done in pursuance of this Act, and for which no particular method of relief is hereby otherwise provided, it shall and may be lawful for such Person to appeal to the first or second General or Quarter Sessions of the Peace for the county or place where the cause of complaint shall have arisen, to be holden next after the time when the cause of such appeal shall have arisen; provided that such Appellant or Appellants shall give or cause to be given Days' notice at the least, in writing, of his, her or their intention to bring such appeal and of the matter thereof; and shall within Days next after the date of such notice enter into a recognizance before some Justice of the Peace acting within such jurisdiction, with two sufficient sureties conditioned to try such appeal, and to abide such Order as shall be made, and to pay such Costs as shall be awarded by the Justices assembled at such General or Quarter Sessions; and upon due proof of such notice having been given as aforesaid and the entering into such recognizance, the said Justices at such Sessions before whom such appeal shall be brought shall hear and finally determine the matter of such appeal in a summary way, and award such Costs to the Parties appealing or appealed against as the Justices at such Sessions shall think proper; and the Justices may, if they see cause, mitigate any fine, penalty or forfeiture, and may order any Money to be returned which shall have been levied in pursuance of this Act, and may also award such further satisfaction to be made to the Party injured as to the said Justices at such Sessions shall seem reasonable; and the determination of such Justices thereupon shall be final, binding and conclusive upon all parties.

14.
Proceedings
not to be
quashed for
want of Form.

No Certiorari.

And be it further Enacted, That no conviction, judgment, or other proceeding concerning any of the matters aforesaid, or concerning any Offender or Offenders against this Act, shall be quashed or vacated for want of form only, nor shall be removed or removable by Certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster; any law or statute to the contrary thereof in anywise notwithstanding.

15.
Notice of
Action and
tender of
Amends.

And be it further Enacted, That no Plaintiff or Plaintiffs shall recover in any action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless notice in writing, signed by the attorney or attornies of such Plaintiff or Plaintiffs (specifying the cause

cause of action) shall have been given to the Defendant or Defendants at least

Days before such action shall have been brought ; nor shall the Plaintiff or Plaintiffs in any such action recover any damages, if tender of sufficient amends shall have been made to such Plaintiff or Plaintiffs, or to his, her or their attorney, by or on behalf of the Defendant or Defendants, before such action brought ; and in case no tender of amends shall have been made, it shall and may be lawful for the Defendant or Defendants, by leave of the Court at any time before issue joined, to pay into Court such sum or sums of Money as such Defendant or Defendants shall think fit, whereupon such proceedings, orders and judgments shall be made and given in and by such Court as in other actions where Defendants are allowed to pay money into Court.

And be it further Enacted, That no action against any Person or Persons for or on account of any thing done in pursuance of this Act shall be commenced after the expiration of calendar Months next after the cause of action shall arise ; and every such action or suit shall be laid or brought in the county where the cause of action shall have arisen and not elsewhere, and the Defendant or Defendants in all actions or suits so brought shall and may plead the General Issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act ; and if it shall appear to have been so done, or that such action or suit was brought before Days' notice given to the Defendant or Defendants, or after sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, or shall be brought in any other county than as aforesaid, then and in every such case the jury shall find a verdict for the Defendant or Defendants ; and upon such verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer discontinuance of his or their action or suit after the Defendant or Defendants shall have appeared ; or if upon demurrer judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover full costs, and have the like remedy for the same as any Defendant or Defendants hath or may have for costs of suit in any other cases by law.

16.
Limitation of
Actions.

Provided always, and be it further Enacted, That nothing herein contained shall extend or be construed to extend to lessen or abate the rights and titles of any Lord or Lords, Lady or Ladies, of any Manor adjoining the Sea, or his, her or their heirs, lessees or assigns ; and that nothing herein contained shall extend or be construed to extend to repeal, alter, abridge or affect any Act of Parliament now in force respecting any particular Oyster Fishery within England or Wales, or any clause or regulation, method of proceeding, power, matter or thing in any such Act contained ; but that all and every the powers and authorities, jurisdictions and directions contained in all such Acts of Par-

17.
Saving
Manorial
Rights and
Private
Fisheries.

liament shall and may be pursued, enforced, exercised and executed in such manner and form, and as fully to all intents and purposes as if this Act had not been made.

18.
General
Saving.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates, rights, interests, privileges, prerogative or authority of The KING's most Excellent MAJESTY, His heirs and successors, or any Bodies politic and corporate, or other Person or Persons whomsoever, his, her or their heirs, successors, executors and administrators, other than and except as the same are expressly regulated by or by the operation of this Act.

5

Oyster Fisheries.

A

B I L L

For the Regulation and Improvement of the
Public Oyster Fisheries in England and
Wales.

(Prepared and brought in by
Mr. Baring, Mr. Bonham Carter and
Captain Pechell.)

Ordered, by The House of Commons, to be Printed,
18 April 1836.

197.

18 May 1836.—6 WILL. IV.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Regulation and Improvement of the Public Oyster Fisheries in *England* and *Wales*.

WHEREAS the regulating of the Public Oyster Fisheries in *England* and *Wales*, and near the Coasts thereof, so as to preserve the Brood and Spat of Oysters from injury and destruction, will be productive of much benefit to the Public, and also to the numerous Persons employed in such Fisheries; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT no Oysters nor Oyster Brood shall be taken by any Person or Persons in or from any Oyster Ground or Fishery in any roadstead, bay, harbour, haven, creek, inlet or arm of the Sea in *England* or *Wales*, or near the Coasts thereof respectively, within the distance of One League at Sea, in a straight line from the low-water mark, at any time between the Twelfth day of May and the Fourth day of August in any year after the passing of this Act: Provided always, That nothing in this Act contained shall extend or be construed to extend to any Oyster Fishery in which any Person or Persons, or any Body or Bodies politic or corporate, hath or have, or is or are or may be entitled to have or enjoy the exclusive right of Fishery therein, or to Oysters known by the denomination of Natives.

1.
No Oysters to be taken between the 12th May and the 4th Aug.

Exemption of Private Fisheries.

2.
No Person to dredge during the prohibited period, under a penalty.

And be it further Enacted, That if at any time between the Twelfth day of May and the Fourth day of August in any year, any Person shall, with or by means of any net, trawl, drag or dredge, or other instrument or engine whatsoever, take or catch, or cause to be taken or caught,

caught, any Oysters, or Oyster Brood or Spat, in any Oyster Ground or Fishery in any roadstead, bay, harbour, haven, creek, inlet or arm of the Sea in *England* or *Wales*, or near the Coasts thereof respectively, within the distance hereinbefore limited, or shall dredge for Oysters, or Oyster Brood or Spat, or shall use any Oyster drag or dredge, or any net, instrument or engine whatsoever, in any such Oyster Ground or Fishery, for the purpose of taking Oysters, or Oyster Brood or Spat, although no Oysters, or Oyster Brood or Spat, shall be actually taken, or shall with any net, instrument or engine, drag upon the ground or soil of any such Oyster Fishery, every such Person so offending shall forfeit and pay any sum not exceeding Ten Pounds; and shall also forfeit all the Oysters, Oyster Brood and Spat so taken or caught.

3.

Any Person found dredging during the prohibited period may be apprehended by a Peace Officer, and carried before a Justice of the Peace.

And be it further Enacted, That if any Person or Persons shall be found actually taking or catching any Oysters, or Oyster Brood or Spat, or dredging for Oysters, or Oyster Brood or Spat, or using any drag or dredge, or any net, instrument or engine whatsoever for that purpose, in any such Oyster Ground or Fishery at any time or times during such prohibited period as aforesaid, it shall and may be lawful to and for any Peace Officer to apprehend and to secure and detain every such Person so being found as aforesaid, and without any other Warrant than this Act, forthwith to carry and convey such Person before any Justice of the Peace for the county or place in or near which the cause of complaint shall have arisen, to be proceeded with according to the law under the provisions of this Act.

4.

Any Person having in his possession, in any Boat or Vessel, any Oysters, &c. during the prohibited period, liable to a Penalty.

First offence, not above 5 *l*.
Second offence, 10 *l*.

And be it further Enacted, That if at any time during such prohibited period as aforesaid, any Person shall have in his possession on board any Boat or Vessel in any such roadstead, bay, harbour, haven, creek, inlet or arm of the Sea as aforesaid, or near any part of the said respective coasts, and within the distance aforesaid, any Oysters, or Oyster Brood or Spat, exceeding the quantity of Two Gallons imperial measure, every such Person so offending shall for the first offence forfeit and pay any sum not exceeding Five Pounds; and if any Person so convicted shall afterwards be guilty of the like offence, and shall be convicted thereof in like manner, every such Offender shall forfeit and pay any sum not exceeding Ten Pounds nor less than Two Pounds, and for every offence the Person offending shall also forfeit all such Oysters, Oyster Brood and Spat so in his possession as aforesaid: Provided always, That any Person charged with any such offence shall be at liberty to prove by way of defence in any proceeding against him for the recovery of the said penalties, or either of them, as last aforesaid, that the said Oysters, or Oyster Brood or Spat, were taken or caught elsewhere than in any such public Oyster Ground or Fishery as aforesaid.

5.

Persons, during the Oyster Season, not to take unsized Oysters.

And be it further Enacted, That if at any time during the Oyster Season, commencing the Fourth day of August in every year, and ending

ending the Twelfth day of May next following, any Person dredging in any Oyster Ground or Fishery in any roadstead, bay, harbour, haven, creek, inlet or arm of the Sea in *England* or *Wales*, or near to the respective Coasts thereof, within the distance hereinbefore limited, shall

5 take or catch any Oyster Brood, Spat or Oysters of less size than Two Inches and a Half, exceeding the quantity of Two Gallons imperial measure, every such Person so offending shall for the first offence forfeit and pay any sum not exceeding Five Pounds; and if any Person so convicted shall afterwards be guilty of the like offence, and shall be con-

10 victed thereof in like manner, every such Offender shall forfeit and pay any sum not exceeding Ten Pounds nor less than Two Pounds, and the Person offending shall for every offence also forfeit all such brood or unsizeable Oysters so taken as aforesaid.

Penalty for
first offence.

Penalty for
any subse-
quent offence.

And be it further Enacted, That if at any time during the Oyster

15 Season, commencing and ending as aforesaid, any Person shall have in his possession on board any Boat or Vessel in any such roadstead, bay, harbour, haven, creek, inlet or arm of the Sea as aforesaid, or near the said respective coasts, within the distance hereinbefore mentioned, any such Brood, Spat or unsizeable Oysters exceeding the

20 quantity of Two Imperial Gallons, and which shall also exceed the proportion of One-fiftieth part of the cargo on board, of Oysters of greater size than Two Inches and a Half, every such Person so offending shall for every such offence forfeit and pay any sum not exceeding Five Pounds; and shall also forfeit all such Brood, Spat or unsizeable Oysters

25 so in his possession as aforesaid: Provided always, That any Person charged with any such offence shall be at liberty to prove, by way of defence, in any such proceeding against him for the recovery of the said penalty, that the said Oysters or Oyster Brood or Spat were taken or caught elsewhere than in any such public Oyster Ground or Fishery

30 as aforesaid: Provided also, That if the Person in actual command or charge of any such Boat or Vessel as aforesaid shall produce to any Peace Officer, who shall come on board of such Boat or Vessel for such purposes as are hereinbefore and hereinafter mentioned, any bill of lading, certificate or other document, showing that the said Oysters or

35 Oyster Brood or Spat then in the said Boat or Vessel were taken or caught elsewhere than in any such public Oyster Ground or Fishery as aforesaid, or shall produce to such Peace Officer any certificate under the hand of a Peace Officer, that the Oysters or Oyster Brood or Spat in his said Boat or Vessel are not of less size than Two Inches

40 and a Half, then the said Oysters or Oyster Brood or Spat, or any part thereof, shall not be liable to inspection or forfeiture, nor shall the said Boat or Vessel be liable to any detention, nor the person in command or charge thereof be liable to any forfeiture.

6.

Any Person
having in pos-
session, on
board any
Boat or Ves-
sel, unsizeable
Oysters
during the
Oyster Season.

Penalty
thereon.

7.

Peace Officer
may seize
Oysters
and Oyster

And be it further Enacted, That it shall and may be lawful to and for any Peace Officer, and to and for any and every other Person whom such

Brood, and Drags, &c. declared to be forfeited; and to go on Board any Boat or Vessel for the purpose.

Opposing Peace Officer.

Penalty thereon.

8.
Recovery and Application of Penalties.

such Peace Officer shall call to his aid or assistance in the execution of this Act, to seize any Oysters, or Oyster Brood or Spat by any of the provisions of this Act declared to be forfeited; and to enter and go on board any Boat or Vessel in any roadstead, bay, harbour, haven, creek, inlet, or arm of the Sea in *England* or *Wales*, or in or near any part of the Coasts thereof respectively, within the distance hereinbefore mentioned, to make such seizure; and it shall and may be lawful to and for such Peace Officer, and any Person called to his aid and assistance, to take and throw overboard all such Oysters and Oyster Brood and Spat, so forfeited as aforesaid, as shall be found on board such Boat or Vessel; and if any Person or Persons on board of any such Boat or Vessel shall resist or oppose any such Peace Officer, or any Person called to his aid or assistance, or shall refuse to permit or suffer any such Peace Officer, or any Person or Persons called to his aid or assistance, to come on board such Boat or Vessel, or when such Peace Officer, or other Person or Persons as aforesaid, shall be on board, shall not permit or suffer such Peace Officer, or other Person or Persons as aforesaid, to view and examine all such Oysters and Oyster Brood and Spat found on board such Ship or Vessel, and to seize all such Oysters and Oyster Brood and Spat so forfeited as aforesaid, then and in such case every such Person so offending shall for every such offence forfeit and pay any sum not exceeding Ten Pounds: Provided always, That if the Persons in actual command or charge of any such Boat or Vessel as aforesaid, shall produce to any Peace Officer who shall come on board of such Boat or Vessel for any of the purposes provided by this Act, any bill of lading, certificate or other document, showing that the said Oysters or Oyster Brood or Spat then in the said Boat or Vessel, were taken or caught elsewhere than in any such public Oyster Ground or Fishery as aforesaid, or shall produce to such Peace Officer any Certificate under the hand of a Peace Officer, that the Oysters, or Oyster Brood or Spat in his said Boat or Vessel are not of a less size than two inches and a half, then the said Oysters, or Oyster Brood or Spat or any part thereof, shall not be liable to inspection or forfeiture, nor shall the said Boat or Vessel be liable to any detention, nor the Person in command or charge thereof be liable to any forfeiture.

And be it further Enacted, That all fines, penalties and forfeitures imposed by this Act, may be recovered in a summary way, on the evidence of one or more credible Witness or Witnesses, or on the confession of the Party offending, by the order or adjudication of any one Justice of the Peace for the county or place in or near which the offence shall be committed, on complaint to any such Justice for that purpose exhibited; and every such Justice is hereby authorized and required to summon before him any Witness or Witnesses, and to examine such Witness or Witnesses upon oath, of and concerning such offence, matters and things, and to hear and determine the same; and every such fine, penalty or forfeiture shall be levied, as well as the

the costs of such proceedings, in case of non-payment thereof, by distress and sale of the goods and chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by warrant under the hand and seal of such Justice, and the overplus (if any) of the monies so levied or recovered, after discharging the fine, penalty or forfeiture for which such warrant shall be issued, and the costs and expenses of recovering and levying the same, shall be returned, upon demand, to the owner or owners of the goods or chattels so seized or distrained; and in case any such fine, penalty or forfeiture shall not be forthwith paid upon conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted, to be detained and kept in safe custody until return can conveniently be made to such warrant of distress, unless the Offender or Offenders shall give sufficient security, to the satisfaction of such Justice, for his, her or their appearance before such Justice, on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than Eight Days from the time of taking such security, and which security the said Justice is hereby empowered to take, by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such county or place respectively, and he is hereby authorized and required, by warrant under his hand and seal, to cause such Offender or Offenders to be committed to the Common Gaol of such county or place, there to remain, without bail or mainprize, for any time not exceeding Three calendar Months, unless such fines, penalties and forfeitures, and all reasonable costs and charges, shall be sooner paid and satisfied; and all such fines, penalties and forfeitures, when so levied, shall be wholly applied and paid to the Informer.

30 Provided always, and be it further Enacted, That all Complaints or Informations for offences against this Act, shall be laid within One calendar Month after the offence committed, and not afterwards.

9.
Complaints to
be laid within
One calendar
Month.

AND for the more effectual prosecution of offences under this Act, BE it Enacted, That where any Person shall be charged on the oath of a credible Witness, or before any Justice of the Peace, with any such offence, the Justice may summon the Party charged to appear at a time and place to be named in such summons; and if he shall not appear accordingly, then (upon proof of the service of the summons upon such Person, by delivering the same to him personally, or by leaving the same at his or her usual place of abode) the Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such Person and bringing him before himself or some other Justice of the Peace, or the Justice before whom the charge shall be made may (if he shall so think fit), without any previous summons,

10.
Power to apprehend Offenders in the first instance.

issue such warrant, and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the case.

11. Form of Conviction.

And be it further Enacted, That in all cases where any conviction shall be had for any offence or offences committed against this Act, the form of conviction shall and may be in the words or to the effect following; (that is to say).

" BE it Remembered, That on this day of
in the year of our Lord

A. B. is convicted before me, C. D., one of His Majesty's Justices of the Peace for the _____ of having [*as the offence shall be*] contrary to the Provisions of an Act made in the _____ year of the reign of King WILLIAM the Fourth, intituled [*here set forth the title of this Act*]; And I, the said _____ do adjudge him [*or, her or them*] to forfeit and pay for the same the sum of _____ and also to pay the sum of _____ for costs. Given under my hand and seal the day and year aforesaid."

12.
Distress not
to be deemed
unlawful for
want of Form.

And be it further Enacted, That where any distress or distresses shall be made for any sum or sums of Money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a trespasser on account of any defect in the summons, conviction, warrant of distress or other warrant or proceedings relating thereto; nor shall the Party or Parties distraining be deemed a trespasser or trespassers, *ab initio*, on account of any irregularity by him or them done or committed after such distress made or taken; but the Person or Persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage in any action upon the case.

13. Appeal to the Quarter Sessions.

And be it further Enacted, That in case any Person shall think him-
self or herself aggrieved by any conviction or penalty had or inflicted
in pursuance of this Act, or by any conviction of any Justice of the
Peace for any fine, penalty or forfeiture incurred under this Act, or by
any thing done in pursuance of this Act, and for which no particular
method of relief is hereby otherwise provided, it shall and may be law-
ful for such Person to appeal to the first or second General or Quarter
Sessions of the Peace for the county or place where the cause of
complaint shall have arisen, to be holden next after the time when the
cause of such appeal shall have arisen; provided that such Appellant
or Appellants shall give or cause to be given Fourteen Days' notice
at the least, in writing, of his, her or their intention to bring such
appeal and of the matter thereof; and shall within Seven Days next
after

after the date of such notice enter into a recognizance before some Justice of the Peace acting within such jurisdiction, with two sufficient sureties conditioned to try such appeal, and to abide such Order as shall be made, and to pay such Costs as shall be awarded by the Justices assembled at such General or Quarter Sessions; and upon due proof of such notice having been given as aforesaid and the entering into such recognizance, the said Justices at such Sessions before whom such appeal shall be brought shall hear and finally determine the matter of such appeal in a summary way, and award such Costs to the Parties appealing or appealed against as the Justices at such Sessions shall think proper; and the Justices may, if they see cause, mitigate any fine, penalty or forfeiture, and may order any Money to be returned which shall have been levied in pursuance of this Act, and may also award such further satisfaction to be made to the Party injured as to the said Justices at such Sessions shall seem reasonable; and the determination of such Justices thereupon shall be final, binding and conclusive upon all parties.

And be it further Enacted, That no conviction, judgment, or other proceeding concerning any of the matters aforesaid, or concerning any Offender or Offenders against this Act, shall be quashed or vacated for want of form only, nor shall be removed or removable by Certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any law or statute to the contrary thereof in anywise notwithstanding.

14.
Proceedings
not to be
quashed for
want of Form.
No Certiorari.

And be it further Enacted, That no Plaintiff or Plaintiffs shall recover in any action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless notice in writing, signed by the attorney or attorneys of such Plaintiff or Plaintiffs (specifying the cause of action) shall have been given to the Defendant or Defendants at least Thirty-one Days before such action shall have been brought; nor shall the Plaintiff or Plaintiffs in any such action recover any damages, if tender of sufficient amends shall have been made to such Plaintiff or Plaintiffs, or to his, her or their attorney, by or on behalf of the Defendant or Defendants, before such action brought; and in case no tender of amends shall have been made, it shall and may be lawful for the Defendant or Defendants, by leave of the Court at any time before issue joined, to pay into Court such sum or sums of Money as such Defendant or Defendants shall think fit, whereupon such proceedings, orders and judgments shall be made and given in and by such Court as in other actions where Defendants are allowed to pay money into Court.

15.
Notice of
Action and
tender of
Amends.

And be it further Enacted, That no action against any Person or Persons for or on account of any thing done in pursuance of this

16.
Limitation of
Actions.

Act shall be commenced after the expiration of Six calendar Months next after the cause of action shall arise; and every such action or suit shall be laid or brought in the county where the cause of action shall have arisen and not elsewhere, and the Defendant or Defendants in all actions or suits so brought shall and may plead the General Issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or that such action or suit was brought before Thirty-one Days' notice given to the Defendant or Defendants, or after sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, or shall be brought in any other county than as aforesaid, then and in every such case the jury shall find a verdict for the Defendant or Defendants; and upon such verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer discontinuance of his or their action or suit after the Defendant or Defendants shall have appeared; or if upon demurrer judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover full costs, and have the like remedy for the same as any Defendant or Defendants hath or may have for costs of suit in any other cases by law.

17.
Saving
Manorial
Rights and
Private
Fisheries.

Provided always, and be it further Enacted, That nothing herein contained shall extend or be construed to extend to lessen or abate the rights and titles of any Lord or Lords, Lady or Ladies, of any Manor adjoining the Sea, or his, her or their heirs, lessees or assigns; and that nothing herein contained shall extend or be construed to extend to repeal, alter, abridge or affect any Act of Parliament now in force respecting any particular Oyster Fishery within *England* or *Wales*, or any clause or regulation, method of proceeding, power, matter or thing in any such Act contained; but that all and every the powers and authorities, jurisdictions and directions contained in all such Acts of Parliament shall and may be pursued, enforced, exercised and executed in such manner and form, and as fully to all intents and purposes as if this Act had not been made.

18.
General
Saving.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates, rights, interests, privileges, prerogative or authority of The KING's most Excellent MAJESTY, His heirs and successors, or any Bodies politic and corporate, or other Person or Persons whomsoever, his, her or their heirs, successors, executors and administrators, other than and except as the same are expressly regulated by or by the operation of this Act.

Oyster Fisheries.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Regulation and Improvement of the
Public Oyster Fisheries in *England* and
Wales.

(Prepared and brought in by
Mr. Baring, Mr. Bonham Carter and
Captain Pechell.)

Ordered, by The House of Commons, to be Printed,
18 May 1836.

23 June 1836.—6 WILL. IV.



A

B I L L

To repeal the Duties and Drawbacks of Excise on Paper, printed, painted or stained, in the United Kingdom, and to reduce the Duties, Allowances and Drawbacks on Paper, Button-board, Mill-board and Scaleboard, made in the United Kingdom of the First Class, and to discontinue the Excise Survey on the Manufacturers of certain Articles made from Paper, and on Dealers in and Retailers of Vinegar.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH^{EREAS} by an Act passed in the forty-third year of the reign of his Majesty King GEORGE the Third, for repealing the Duties of Excise payable in Great Britain, and for granting other Duties in lieu thereof, certain Duties of Excise were
5 granted and imposed for every yard square of Paper which should be printed, painted or stained in Great Britain to serve for hanging or other uses, over and above the Duties payable for such Paper before the printing, painting or staining thereof, and certain Drawbacks were made payable on the exportation of Paper so printed, painted or
10 stained : And by an Act passed in the fifth year of the reign of his late Majesty King GEORGE the Fourth, for assimilating the Duties and Drawbacks on Hides, Skins, Leather, Parchment, Paper and Paper-hangings manufactured in Ireland to the Duties and Drawbacks payable on the like articles in Great Britain, and for equalizing the
15 Measures and Weights whereby the Duties of Excise and Customs should be payable throughout the United Kingdom, the like Duties and Drawbacks were granted, imposed and made payable on Paper printed, painted or stained in Ireland :

Preamble :
43 G. 3. c. 69.

5 G. 4. c. 55.

And whereas it is expedient that the said Duties and Drawbacks, with the Duties payable on Licenses taken out by Printers, Painters and Stainers of Paper, should be repealed :

And whereas by the said recited Acts respectively the Duties of Excise on Paper and other articles of Paper or Paper materials made in Great Britain and Ireland are imposed and charged on such Paper and other articles according to the class or denomination thereof, whether First Class or Second Class, distinguished by the materials from which such Paper or other articles may be made :

And whereas the said distinction of First and Second Class Paper is found inconvenient; and it is therefore expedient to reduce the Duties, Allowances and Drawbacks of Excise now payable on Paper and other articles of the First Class made in the United Kingdom, and, in lieu thereof, to render the same liable only to the Duty now payable on Paper of the Second Class, so as to impose one uniform Duty, and to reduce the Allowances and Drawbacks in proportion ;

1. Duties and Drawbacks on Stained Paper repealed. **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *Fifth* day of *July One thousand eight hundred and Thirty-six*, all the Duties of Excise on Paper printed, painted or stained in the United Kingdom, and all Drawbacks on such Paper exported therefrom, and all Duties on Licenses to be taken out by any Printer, Painter or Stainer of Paper, shall be and the same are hereby Repealed: Provided always, That any of the said Duties which may have been charged on or before the said *Fifth* day of *July One thousand eight hundred and Thirty-six*, and any arrear thereof, and any Drawback which may be payable on any such printed, painted or stained Paper duly exported on or before the said *Fifth* day of *July One thousand eight hundred and Thirty-six* shall be payable and paid, and all such Duties and Drawbacks, and all fines, forfeitures, pains and penalties incurred in relation to the Duties and Drawbacks hereby repealed on or before the said *Fifth* day of *July* shall and may be sued for, levied and recovered, and paid in the same manner as if this Act had not been passed.

2. Duties on Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board and Scaleboard of the First Class to cease. And be it further Enacted, That from and after the *Tenth* day of *October One thousand eight hundred and Thirty-six*, the Duties, Allowances and Drawbacks of Excise now payable on Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board and Scaleboard made in the United Kingdom of materials of the first class shall cease and determine: Provided always, That any of the said Duties which may have been charged on or before the said *Tenth* day of *October One thousand eight hundred and Thirty-six*, and any arrear thereof, and all allowances on any such Paper which shall become payable on or before that day, and all Drawbacks in respect of any Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Pasteboard or Scaleboard, or any Books exported

exported on or before the said *Tenth* day of *October One thousand eight hundred and Thirty-six* payable at the higher rate of the first class, shall be paid at such rate, and may be sued for, levied and recovered in the same manner as if such Duties, Allowances and Drawbacks had not been repealed.

And be it further Enacted, That from and after the said *Tenth* day of *October One thousand eight hundred and Thirty-six*, the Duty of *One penny half-penny* for every pound weight avoirdupois now charged and payable on Paper of the second class, shall be charged and paid on all Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Pasteboard and Scaleboard of whatever kind or description which shall be made in the United Kingdom without reference to the sort, kind or quality of the materials employed in the manufacture thereof.

And be it further Enacted, That from and after the said *Tenth* day of *October One thousand eight hundred and Thirty-six* the Allowances and Drawbacks of Excise payable on Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board and Scaleboard made in the United Kingdom of materials of the first class, and on Books, shall be reduced and paid at the rate of *One penny half-penny* for every pound weight avoirdupois thereof, being the Duty now payable on Paper of the second class, and hereafter to be charged on all Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board and Scaleboard of every description.

AND whereas it is difficult to weigh Paper, printed, painted or stained, and it is therefore necessary to grant the Drawback thereon in respect of the Duty charged on the Paper when made by the square yard; BE it therefore further Enacted, That for every dozen square yards of Paper, printed painted or stained in the United Kingdom, and exported as merchandize, there shall be granted and paid a Drawback of *Two-pence*.

And be it further Enacted, That the said Duties by this Act extended and made general, shall continue under the management of the Commissioners of Excise, and that the said Duties and the Allowances and Drawbacks hereby reduced shall continue to be respectively raised, levied, collected and recovered, allowed and paid in such and the like manner as heretofore, and all and every pain, penalty, fine and forfeiture of any nature or kind whatever, for any offence committed against or in breach of any Act or Acts of Parliament on and immediately before the *commencement of this Act*, for securing the Revenue of Excise, or any Duties under the management of the Commissioners of Excise respectively, or for the regulation or improvement thereof, and the several clauses, powers and directions therein contained, shall

3.
A Duty of
 $1\frac{1}{2}$ d. per
pound weight;
the Duty on
Second Class
Paper to be
charged on all
Paper, Glazed
Paper,
Sheathing
Paper, Button
Paper, Button
Board, Mill-
board, Paste-
board and
Scaleboard
made in the
United King-
dom.

4.
Allowances
and Draw-
backs on all
Paper, &c. to
be paid at
 $1\frac{1}{2}$ d. per
Pound.

5.
Drawback on
Stained Paper
Exported, to
be 2 d. for
every dozen
square Yards.

6.
Duties,
Allowances
and Draw-
backs to be
collected and
paid under
former exist-
ing regula-
tions.

be and are hereby directed and declared to continue and to extend to, and the same shall be respectively applied, practised and put in execution for and in respect of the said several Duties, Allowances and Drawbacks of Excise, in as full and ample a manner as if all and every the said Acts, clauses, provisoes, powers, directions, pains, penalties, fines and forfeitures, were particularly repeated and re-enacted in the body of this Act. 5

7.

Makers not to be required to write on the Label the Class of Paper.

And be it further Enacted, That from and after the said *Tenth* day of *October One thousand eight hundred and Thirty-six*, no maker shall be required to write on the Label affixed on the Wrapper or Cover of any ream or parcel of Paper, Glazed Paper, Sheathing Paper, Button Paper, Button Board, Mill-board, Pasteboard, or Scale-board, the class or denomination thereof; any thing in any Act or Acts to the contrary notwithstanding. 10

8.

Penalty for not obliterating or defacing Labels reduced from 200*l.* to 10*l.* for each Label.

AND whereas by an Act passed in the first year of the reign of his Majesty King GEORGE the Fourth, intituled, "An Act for the better securing the Excise Duties on Paper and Pasteboard," every Stationer and other person is required, upon opening any ream of Paper or parcel of Mill-board, Button-board, Button Paper, Glazed Paper, Sheathing Paper, Pasteboard or Scaleboard, forthwith to permanently cancel, deface, and obliterate the Label, and the several stamps and impressions of stamps thereon, and on the Wrappers and Covers of every such ream or parcel, and every part of such Label, stamps and impressions respectively, without separating, detaching or taking such Label from off such Cover or Wrappers, under a Penalty of *Two hundred* Pounds for each such Wrapper, Cover or Label: AND whereas such Penalty of *Two hundred* Pounds is excessive; BE it therefore further Enacted, That every Stationer and other person shall, on opening any ream or parcel of Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Pasteboard, or Scaleboard, immediately write in large letters in ink upon the Label attached to the Cover or Wrapper, the word "Opened," or shall cross such Label with ink, or otherwise permanently cancel, obliterate and deface the same, so as to prevent the said Label for being again made use of by any Manufacturer, and every Stationer or other person who shall not, on opening any such ream or parcel as aforesaid, immediately so write on, cross, or otherwise cancel, obliterate or deface such Label, or in whose possession any such Label, whether attached or not to any Wrapper or Cover which shall have been opened, shall be found not so written upon, crossed, or otherwise cancelled, obliterated or defaced, shall forfeit for each such Label *Ten* Pounds, and every such Label, with any Wrapper or Cover to which the same may be attached, shall also be forfeited. 15 20 25 30 35 40

And

And be it further Enacted, That so much of the said Act passed in the first year of the reign of his said late Majesty King GEORGE the Fourth, intituled, " An Act for better securing the Excise Duties on Paper and Pasteboard," as enacts, " that every maker and manufacturer of Pasteboard (not made at any mill) from Paper of the first class and denomination only, for being cut into and sold by him or her as cards, not exceeding the size of sixty-four square inches, or playing cards, and every maker of bottle-stands, spectacle cases, tea-trays or any other wares or articles of merchandize made from or with Paper pasted or united together and moulded into such articles, shall be deemed a Pasteboard Maker, and shall be subject and liable to take out and pay for a license as a Pasteboard Maker, and to make entry of his or her premises as such at the proper office of Excise, and that every such maker and manufacturer shall from time to time give notice as a Pasteboard Maker, and as required by law of Pasteboard Makers, of opening any reams of Paper for the purpose of the sheets thereof being pasted or united together as aforesaid, and shall at the end of every such quarter of a year as aforesaid make and render to the proper Officer of Excise an entry in writing, signed by such maker or his foreman with his christian and surname, of the whole weight of the paper, distinguishing the class or denomination thereof used and employed by him or her in such quarter as aforesaid, and that he and she respectively have not in such quarter used or employed, or permitted to be used or employed as aforesaid, any other than such paper as was opened in the presence of the proper Officer, and is mentioned and entered in such quarterly account as aforesaid; and if any such maker or manufacturer as aforesaid shall neglect or refuse to take out and pay for such License as aforesaid, or to make such entry at the proper Office of Excise as aforesaid, or to make or render such quarterly entry or account as aforesaid, or shall not make true and faithful entries and accounts as aforesaid, or any such Pasteboard Maker for cards as aforesaid shall use or employ any other than first class Paper for that purpose, or shall make or sell any Pasteboard except cut into cards, not exceeding the size of sixty-four square inches, or playing cards, every such maker or manufacturer shall for every such offence forfeit and lose the sum of One hundred Pounds, and no such maker or manufacturer as aforesaid who shall take out and pay for such license and make such entry at the next Office of Excise, and make and render such quarterly account as aforesaid, and observe, fulfil and keep the conditions hereinbefore mentioned, shall be subject or liable to any other of the rules or regulations relating to makers of Pasteboard, any thing to the contrary thereof in any other Act or Acts notwithstanding," shall be and the same is hereby Repealed.

9.
1 G. 4 c. 58.
s. 18 repealed.

AND whereas it is deemed unnecessary to continue the survey by the Officers of Excise on dealers in and retailers of vinegar; BE it
368. therefore

10.
58 G. 3. c. 65.
s. 22 authorizing the Survey of

Dealers in and
Retailers of
Vinegar,
Repealed.

therefore Enacted, That so much of an Act passed in the fifty-eighth year of the reign of his late Majesty King GEORGE the Third, intituled, “ An Act for repealing the Duties of Excise on Verjuice and Vinegar, and granting other Duties in lieu thereof, and for more effectually securing the Duties of Excise on Vinegar or Acetous Acid,” as enacts, “ that all and every dealer in, retailer or seller of vinegar or acetous acid shall make entry at the nearest Office of Excise of his, her or their warehouse, storehouse, cellar, shop, or other place or places in which he, she or they shall store, deposit, or keep such vinegar, or acetous acid, or liquor aforesaid, and before receiving any vinegar, or acetous acid, or liquors aforesaid for sale; and that every such dealer in, retailer or seller (not being a vinegar maker or makers at any entered place or places within the distance of a quarter of a mile from such warehouse, storehouse, cellar, shop, or other place or places) shall, upon demand, receive from the proper Officer of Excise a book, or books, to be prepared with proper printed forms and titles for the purposes hereinafter mentioned, and to be kept by every such dealer in, retailer and seller of vinegar or acetous acid, in some public and open part of his, her or their entered premises, and that from and after the Tenth day of October One thousand eight hundred and eighteen, no vinegar or acetous acid exceeding Ten Gallons, at any one time shall be sold, sent out or delivered by any such dealer in, retailer or seller of vinegar or acetous acid, to any person or persons whatsoever, without being accompanied by a certificate filled up and cut out progressively from the printed forms of such certificates contained in such book as aforesaid, signed by such dealer in, retailer or seller of vinegar or acetous acid selling, sending out, or delivering the same, or some person or persons on his, her or their behalf, certifying the date thereof, the quantity of such vinegar or acetous acid, and the strength thereof (if above proof), to whom sold, from whose stock delivered, and that the Duty has been paid thereon, and that every such dealer in, retailer or seller of vinegar or acetous acid selling, sending out or delivering any vinegar or acetous acid, exceeding Ten Gallons at any one time as aforesaid, shall at the same time make a correspondent entry thereof, containing the same particulars, in such book as aforesaid; and that such book, with such entries so made therein as aforesaid, shall at all times lie open and exposed in the entered premises of such dealer in, retailer or seller of vinegar or acetous acid, as aforesaid, to the perusal of any Officer or Officers of Excise, and shall be delivered by such dealer in, retailer or seller of vinegar or acetous acid, as aforesaid, to any Officer or Officers of Excise upon demand; and if any such dealer in, retailer or seller of vinegar or acetous acid shall refuse or neglect to make such entry as aforesaid of all his, her or their warehouses, storehouses, cellars, shops and other places for storing or keeping vinegar or acetous acid, or shall at any time obstruct or hinder any Officer

Officer or Officers of Excise from entering therein, or inspecting, surveying, weighing or taking an account of his, her or their stock of vinegar or acetous acid, or shall conceal any part of such vinegar or acetous acid from the sight or view of the Officer or Officers, or shall
 5 sell, send out or deliver any quantity of vinegar or acetous acid exceeding Ten Gallons at any one time unaccompanied by such certificate as aforesaid, or making such entry in such book as aforesaid, or shall convey away or conceal any such book or books as aforesaid, or cancel, obliterate, destroy, or tear out any leaf or leaves therefrom or
 10 entry or entries therein, or shall make any false entry or entries therein, or shall oppose, molest, obstruct or hinder any Officer or Officers of Excise in inspecting any such book or books or any such entry or entries therein as aforesaid, or shall at any time neglect or refuse, when required, to give up to any Officer or Officers such book or books as
 15 aforesaid, all and every such dealer in, retailer or seller of vinegar or acetous acid so offending shall for every such offence severally forfeit and lose the sum of One hundred Pounds; and all vinegar or acetous acid exceeding Ten Gallons removing or removed from the stock of any such dealer or dealers as aforesaid without being accom-
 20 panied by such certificate as aforesaid, and all vinegar or acetous acid found in the possession of any unentered dealer in, retailer or seller of vinegar or acetous acid, or in any unentered warehouse, storehouse, cellar, shop or other place of any dealer in, or retailer or seller of vinegar or acetous acid, shall be forfeited, and shall and may
 25 be seized by any Officer or Officers of Excise, and the person or persons removing, carrying or conveying the same, or aiding or assisting therein, or in whose custody the same shall be found, shall forfeit and lose the sum of One hundred Pounds," shall be and the same is hereby Repealed.

30 AND whereas it is expedient to make provision for allowing Paper of the first class which may be charged with Duty and received by Stationers, makers of Paste-board, or Printers or Stainers of Stained Paper on or before the said *Tenth* day of *October One thousand eight hundred and Thirty-six*, to be sent into consumption or made use of
 35 after the said *Tenth* day of *October* at the reduced rate of Duty; BE it therefore Enacted, That it shall be lawful for any maker of Paper who shall sell or send out to any Stationer, maker of Paste-board, or Printer or Stainer of Stained Paper, any Paper of the first class which shall be charged with Duty before the said *Tenth* day of
 40 *October*, to give notice to the Officer of Excise under whose survey he shall be, that he intends to send out such Paper with a certificate for enabling the person to whom such Paper is to be sent, describing such person in such notice to obtain a remission of the Duty thereon, and requiring such Officer to attend and take an account of the same at a time to be mentioned in such notice, not being less than hours from giving the same; and the Officer of Excise receiving such

11.
 Makers of Paper sending to Stationers, Pasteboard Makers and Paper Stainers First Class Paper charged with Duty before the 10th October, may send with it a Certificate, on which after 10th October the holder may obtain a remission of the Duty to the reduced Rate.

notice shall attend at the time mentioned therein, and such maker of Paper shall produce to such Officer of Excise all the said Paper so intended to be sent out, duly tied up in reams, and labelled and charged with Duty, and also a Certificate signed by such maker in form following; (that is to say)

“ Quarter—One thousand eight hundred and Thirty-six.

“ Rounds—One thousand eight hundred and Thirty-six.

Collection.

Division.

“ This is to certify, That A. B. maker of Paper, herewith sends 10
from his mill, number at to C. D. Stationer
[or, Pasteboard Maker, or, Paper Stationer, as the case may be] at
Reams of First Class Paper, weighing
pounds, and that the same were charged with Duty, at the rate of
Three-pence per pound, on the day of One thousand 15
eight hundred and Thirty-six, the particulars of the numbers and
estimated weight as under. Dated this day of One
thousand eight hundred and Thirty-six.

“ Progressive Nos Estimated Weight.

“ (signed) A. B. Paper-maker.” 20

and the said Officer of Excise having examined and taken an account of the said Paper, and ascertained that the same corresponds in all particulars with the said Certificate, and is in all respects correct, shall sign the said Certificate, and make entry thereof in his Survey Book, and such Certificate shall then be transmitted with the said Paper 25
to the Stationer, maker of Pasteboard, or Printer or Stainer of Stained Paper to whom such Paper is to be removed, and on all such Paper which shall be so removed with Certificate, and which shall after the said *Tenth* day of *October One thousand eight hundred and Thirty-six* be produced to the Officers of Excise, it shall be lawful for the Com- 30
missioners of Excise to allow a remission of the Duty after the rate of *One penny half-penny* per pound under the regulations of this Act.

12.
Stationer,
Pasteboard-
Maker or
Paper Stainer
receiving such
Paper, to keep
the same
separate from
other Paper,
and unopened,
unless wanted
for immediate
consumption,
when a
Memorandum
of the Reams
made use of
is to be made
on the
Certificate.

And be it further Enacted, That the Stationer, maker of Pasteboard or Printer or Stainer of Stained Paper by whom any such paper shall be received, with Certificate as aforesaid, shall keep the same in his stock 35
separate and apart from all other Paper, with the wrappers unopened (except as hereinafter provided), and free to the inspection of any Officer of Excise until after the said *Tenth* day of *October One thousand eight hundred and Thirty-six*: Provided always, That in case any Stationer, maker of Pasteboard or Printer or Stainer of Stained Paper 40
shall require to sell or make use of any such Paper before the said *Tenth* day of *October*, it shall be lawful for him so to do, and in such case such Stationer, maker of Pasteboard or Printer or Stainer of
Stained

Stained Paper shall specify on the certificate received with such Paper the particular ream or reams sold, opened or made use of.

And be it further Enacted, That every Stationer, maker of Pasteboard or Printer or Stainer of Stained Paper who shall be desirous of obtaining the said remission of Duty on any such first class Paper in his possession, shall, after the said *Tenth* day of *October* make application for the same, if within the limits of the Chief Office of Excise, to the Commissioners of Excise, and out of the said limits, to the Supervisor of Excise of the district; and every such application shall be in the Form following; (that is to say)

13.
After 10th
October,
claim to be
made for the
Allowance.

" I, C. D. Stationer [or, Pasteboard Maker, or, Paper Stainer, as the case may be], of do claim an allowance of
Three halfpence per pound on reams of First Class
Paper, weighing pounds, amount and
I do declare the said reams to be reams [or,
part of reams] of First Class Paper received by me
on the day of from the mill
of A. B. Paper Maker at with a Certificate,
bearing date the day of

" (signed) C. D."

and the Officers of Excise appointed for that purpose by the Commissioners of Excise within the limits of the Chief Office of Excise, and the Supervisors of Excise to whom such application shall be made out of the limits of the Chief Office, shall attend at the respective houses or premises of the Stationers, makers of Pasteboard or Printers or Stainers of Stained Paper making such application, and every such Stationer, maker of Pasteboard, or Printer or Stainer of Stained Paper, shall produce to the Officer or Supervisor so attending, all the Paper in respect of which the allowance shall be claimed, and the Certificates received with the same; and every such Officer and Supervisor shall examine all the Paper so produced, and shall weigh and take an account of the same, and shall compare the same with the Certificates produced; and if on such examination and compare such Officer or Supervisor shall be satisfied that the Paper produced is the same which was received with the Certificates, such Officer or Supervisor shall make out and deliver to the Stationer, maker of Pasteboard or Printer or Stainer of Stained Paper claiming the allowance or Certificate in such form and with such particulars as the Commissioners of Excise shall direct, setting forth that such Stationer, Maker of Pasteboard or Printer or Stainer of Stained Paper is entitled to the allowance on the number of pounds weight weighed and ascertained by such Officer or Supervisor to be paid to such Stationer, maker of Pasteboard or Printer or Stainer of Stained Paper by the Commissioners

or Collector of Excise, and the Officer or Supervisor giving such certificate shall take into his custody and possession all the Certificates produced to him, and shall dispose of the same in such manner as the Commissioners of Excise shall direct.

14.
Allowances to
be payable
Twelve
Weeks after
the charge of
Duty.

AND whereas the Duties on Paper are not payable by the makers of Paper until several weeks after the same are charged, whereby a loss may arise to the Revenue if all such allowances were to be paid immediately after the Tenth day of October; BE it therefore Enacted, That the Officers and Supervisors of Excise, in making out the said Certificates given for the receiving of the said allowances, shall specify therein the time when the Paper in respect of which such allowance shall be claimed respectively shall have been charged with Duty, and also the time when each amount of allowance shall be payable, such time being not less than *Twelve Weeks* after the date of the charge of Duty; and if any maker of Paper who shall have sent out any Paper with Certificate as aforesaid, shall fail to pay the Duty charged on such Paper, so that the same shall be lost to His Majesty, the Stationer, maker of Pasteboard or Printer or Stainer of Stained Paper to whom such Paper shall have been sent, shall not be entitled to receive the allowance thereon.

15.
Penalty on
fraudulently
obtaining or
attempting to
obtain the
Allowance.

And be it further Enacted, That if any Stationer, maker of Pasteboard or Printer or Stainer of Stained Paper shall receive any Paper under any false or untrue Certificate, or shall produce to any Officer of Excise any false or untrue Certificate, or any Paper not entitled to the allowance, in order to claim an allowance thereon, or shall by any deceit, art or contrivance fraudulently obtain or attempt to obtain any allowance to which such party shall not be entitled, or to a greater amount than he ought to receive, every such Stationer, maker of Pasteboard or Printer, or Stainer of Stained Paper shall forfeit all the Paper produced by him, with all allowances claimed by him, and *Five hundred Pounds*.

16.
All Paper,
Glazed Paper,
Sheathing
Paper, Button
Board, Mill-
board, Paste-
board and
Scaleboard, of
whatever
materials and
in whatever
manner
manufactured
to be subject
to Duty.

And be it further Enacted, That all Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Pasteboard and Scaleboard (except Scaleboard made from wood), of whatever materials made, and whether made by the materials being reduced to pulp and moulded, or by being pressed, or otherwise manufactured, shall be deemed and taken to be Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Pasteboard and Scaleboard, within the meaning of this Act and the Acts for securing the Duties of Excise on Paper, and shall be charged with Duty accordingly; and the makers thereof shall and are hereby declared to be subject and liable to all the laws, enactments, rules and regulations, fines, penalties and forfeitures in force to which makers of Paper, Glazed Paper, Sheathing

Sheathing Paper, Button Paper, Button-board, Mill-board, Pasteboard and Scaleboard, are subject and liable under the Laws of Excise.

And be it further Enacted, That this Act may be repealed, altered or amended by any Act to be passed in this present Session of Parliament.

17.
Act may be
amended by
any Act to be
passed in this
present
Session.

Paper Duties.

A

B I L L

To repeal the Duties and Drawbacks of Excise on Paper, printed, painted or stained, in the United Kingdom, and to reduce the Duties, Allowances and Drawbacks on Paper, Button-board, Mill-board and Scaleboard, made in the United Kingdom of the First Class, and to discontinue the Excise Survey on the Manufacturers of certain Articles made from Paper, and on Dealers in and Retailers of Vinegar.

(Prepared and brought in by
*Mr. Chancellor of the Exchequer and
Mr. Baring.*

*Ordered, by The House of Commons, to be Printed,
23 June 1836.*

20 June 1836.—6 WILL. IV.



A

B I L L

To amend the Law relating to Letters Patent for Inventions, and for the better Encouragement of the Arts and Manufactures.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is expedient to alter and amend the Law relating to Letters Patent for Inventions, as well by rendering more easy and less expensive the manner of securing to individuals the benefit of their Inventions, as by affording additional facilities to Patentees for the protection of their rights: And whereas an Act was passed in the twenty-seventh year of the reign of King GEORGE the Third, intituled, “An Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes and Muslins, by vesting the Properties thereof in the Designers, Printers and Proprietors for a limited time,” which said Act was, by another Act made in the twenty-ninth year of the reign of his said Majesty King GEORGE the Third, continued from the expiration thereof until the First day of July One thousand eight hundred and Thirty-four: And whereas an Act was passed in the thirty-fourth year of the reign of his said Majesty King GEORGE the Third, intituled, “An Act for amending and making perpetual the said Act made in the twenty-seventh year of the reign of his said Majesty:” And whereas an Act was passed in the fifth and sixth years of the reign of His present Majesty, intituled, “An Act to amend the Law touching Letters Patent for Inventions:” And whereas it is expedient that the provisions of the said three first recited Acts should be improved and enlarged; **BE it therefore Enacted**, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** the whole of the said

Preamble :

1.
Acts repealed :

27 Geo. 3,
c. 38.

29 Geo. 3,
c. 19.

34 Geo. 3,
c. 33.

5 & 6 W. 4.
c. 83, partly
repealed.

348. A recited

recited Acts of the twenty-seventh, twenty-ninth and thirty-fourth years of the reign of King GEORGE the Third, and also the said recited Act of the fifth and sixth years of the reign of His present Majesty, so far as the said last-mentioned Act relates to the Notice of Objections to be given by the Defendant to the Plaintiff on pleading to any Action brought by him for infringing any Letters Patent, shall be and the same are hereby repealed, but so as not to affect any thing done or executed in pursuance thereof respectively, or any such matter or thing now in progress under the authority of the said Acts respectively.

2.

That a person having obtained Letters Patent for England, Scotland or Ireland may, on payment of the usual Fees, have them extended to the two other Kingdoms, by enrolling a copy of the Specification in the usual manner.

And be it further Enacted, That all Letters Patent for Inventions to be hereafter obtained for England, Scotland and Ireland, may be granted upon the condition to be expressed in such Letters Patent; that the person or persons so obtaining such Letters Patent shall, within *Six* calendar Months next after the date thereof, enrol a Specification in England in the usual manner now practised in England; and shall also within the same period enrol or deposit in Scotland and in Ireland, in the usual places of enrolment or deposit of Specifications in Scotland and in Ireland respectively, a Specification of the said Invention: Provided always, That all Fees and Emoluments whatsoever now due and of right payable on the obtaining of Letters Patent shall continue to be paid and payable to the several persons now or hereafter to become entitled thereto or to any part thereof: Provided always, That in every case wherein the conditions aforesaid shall be complied with, all Letters Patent which shall hereafter be granted containing the aforesaid conditions shall be as valid and effectual in the Law for protecting the several persons, grantees, assigns, or otherwise, who shall hereafter obtain such Letters Patent in England, Scotland and Ireland, regarding the benefits to arise therefrom, as if separate Letters Patent had been obtained in the manner heretofore in use in England, Scotland and Ireland respectively: Provided always, That all persons who shall be desirous of availing themselves of the provisions of this Act shall be required to procure such Letters Patent in the same manner as heretofore in use in obtaining Letters Patent for England.

3.

All Stamps on Letters Patent reduced to 2 *l.*: 1 *l.* on the Petition, and 1 *l.* on the Specification.

And be it further Enacted, That from and after the *passing of this Act* there shall be raised, levied and paid unto and for the use of His Majesty, His heirs and successors, in and throughout the whole of Great Britain and Ireland, for and in respect of all Letters Patent to be hereafter obtained for the protection of Inventions, and in respect of the Specifications of the same, the sum of *Two* Pounds sterling only; *One* Pound thereof to be levied by a stamp of that amount, to be impressed on the first page of every Petition to be hereafter presented by any person or persons who shall hereafter petition His Majesty

Majesty for the grant of His said Letters Patent, and *One* Pound sterling thereof to be in like manner impressed upon every Specification to be enrolled under and by virtue of this Act, any usage, law or custom now existing to the contrary notwithstanding.

- 5 And be it further Enacted, That in order to prevent the delay that hath heretofore arisen in obtaining Letters Patent for Inventions, it shall and may be lawful for any person who shall hereafter be desirous of obtaining Letters Patent for the sole making, exercising, vending or using of any Invention, when and as soon as he shall have obtained
- 10 the report of His Majesty's Attorney or Solicitor General upon the propriety of granting the same (provided always, that the said report of His Majesty's said Attorney or Solicitor General shall be in favour of such grant), to make application to the Lord Chief Justice of His Majesty's Court of King's Bench, the Lord Chief Justice of the
- 15 Court of Common Pleas, or to the Lord Chief Baron of the Court of Exchequer, or some or one of them, for a Warrant to be signed by him, directed to His Majesty's said Attorney or Solicitor General, directing and empowering him to prepare a Bill in the manner heretofore in use in England; and that the Warrant of such Lord Chief Justices or
- 20 Lord Chief Baron respectively shall be as valid and effectual for empowering His Majesty's said Attorney or Solicitor General to prepare such Bill as aforesaid, as if the Signature of His Majesty had been obtained thereto.

4.
Warrant of a Chief Justice or Chief Baron substituted in lieu of The King's Signature.

- And be it further Enacted, That for the purpose aforesaid, it shall
- 25 and may be lawful for any person so desirous of obtaining His Majesty's said Letters Patent for an Invention, when and as soon as His Majesty's Attorney or Solicitor General shall have affixed his signature to the Bill prepared by him in the manner heretofore in use for His Majesty's Royal Signature, to cause a further application to
- 30 be made to the said Lord Chief Justice of the King's Bench, Lord Chief Justice of the Court of Common Pleas, or Lord Chief Baron of the Court of Exchequer, praying him or one of them to affix his signature to the said Bill.

5.
Application to be made to Chief Justice of King's Bench and Common Pleas for their signatures to a Bill.

- And be it Enacted, That in every case when the said Lord Chief
- 35 Justices or Lord Chief Baron respectively shall think fit to comply with the prayer of such application, the signature of such Lord Chief Justices respectively or Lord Chief Baron shall be as valid and effectual in the law for the purpose expressed in the said Bill as if His Majesty's Signature had been affixed thereto: Provided always, That nothing
- 40 herein contained shall be taken or held to render it unnecessary to obtain His Majesty's Royal Signature to all Letters Patent for Inventions when and as soon as the same can readily be obtained thereto.

6.
Signature of Lord Chief Justice to have the same validity as if the Signature of His Majesty was affixed.

7.
Letters Patent to bear date from Petition.

And be it further Enacted, That in all Letters Patent for any Invention to be applied for after the *passing of this Act*, the day of presenting the Petition to His Majesty for the grant of such Letters Patent shall be held and taken to be the date of such Letters Patent: Provided always, That the Specification of the Invention for which the said Letters Patent shall be obtained shall be enrolled in the manner heretofore in use in England within *Nine* calendar Months from the day of presenting the said Petition: And provided also, That the term for which the sole making, exercising, vending or using of any Invention to be hereafter secured by any Letters Patent shall bear date from the day of sealing of the said Letters Patent.

8.
Power of inspecting Shops, &c. of Parties suspected of infringement.

And be it Enacted, That if the grantee or assignee of any Letters Patent shall suspect any person or persons of infringing the same, it shall be lawful for such grantee or assignee, whether any action or suit at law or in equity shall or shall not have been previously brought, or shall or shall not be then pending, to apply *ex parte* to any one of the Judges of His Majesty's Court of King's Bench, Common Pleas and Exchequer in Chambers; and if such Judge shall be satisfied, by the oath or solemn declaration of the applicant or other credible person or persons, that sufficient ground exists for such suspicion, and shall see sufficient reason for granting such application, it shall be lawful for such Judge to make an Order that the factory, shop, dwelling-house or other place belonging to the party who shall be so suspected of infringing, or to any other person or persons where such infringement shall be suspected or believed to be carried on, shall be inspected by One or more Engineer or Engineers, or other fit and competent person or persons (to be approved of by such Judge), for the purpose of ascertaining whether any such infringement is there carried on; and that such Engineer or Engineers, or other person or persons, shall be and is and are hereby authorized to enter such factory, shop, dwelling-house or other place where such infringement is supposed to be carried on, and to give full effect to such order of inspection as fully and absolutely as if such inspection had been ordered or directed by one of His Majesty's Courts of Law or Equity at Westminster, in an action or suit commenced and pending in such Court of Law or Equity.

9.
Judge may direct that the Engineer shall be accompanied by the Under-Sheriff of the County.

Provided always, and be it further Enacted, That it shall be lawful for such Judge, if he shall think fit, to order and direct that such Engineer or Engineers, or other person or persons so to be authorized by him, shall be accompanied on the occasion of such inspection by the Under Sheriff of the county or city in which such inspection shall be ordered to be made, or by such other person or persons as such Judge shall think proper; and any person or persons refusing to permit or obstructing the execution of such Order, shall be dealt with in the

the same manner as for a contempt of an Order of a Court of Law or Equity at Westminster.

And be it further Enacted, That the costs of the application for such order of inspection and of carrying the same into effect, shall be borne and paid by the party or parties applying for the same: Provided always, That in case any action at law or suit in equity shall be then pending or shall thereafter be brought, commenced or prosecuted, and a verdict or decree shall be given or made against the party or parties so suspected of infringing such Letters Patent, it shall be lawful for the Judge before whom such action or suit shall be tried or heard, to order and direct that such costs, or any part thereof, shall be paid by the party or parties against whom such verdict or decree shall be given or made, or to make such other order respecting such costs as he shall think fit.

10.
For defraying
Expenses of
Inspection.

And be it Enacted, That in case of an application to His Majesty's Privy Council for the prolongation of the term of any Letters Patent under and by virtue of the said recited Act of the fifth and sixth years of His present Majesty, and upon the report to His Majesty of the Judicial Committee of the Privy Council in favour of such Petition, His Majesty is hereby authorized and empowered, if he shall think fit, to grant new Letters Patent for a term not exceeding *Fourteen* Years after the expiration of the first term, any law, custom or usage to the contrary notwithstanding; provided that no such extension shall be granted if the application by Petition shall not be made and prosecuted with effect before the expiration of the term originally granted in such Letters Patent.

11.
Power to ex-
tend term of
Patent to
Fourteen
Years.

And be it Enacted, That in any action brought against any person for infringing any Letters Patent, the Defendant on pleading thereto shall give to the Plaintiff, and in every Scire facias to repeal such Letters Patent, the Plaintiff shall file with his declaration a notice of any objections on which he means to rely at the trial of such action, and no objection shall be allowed to be made on behalf of such Defendant or Plaintiff respectively at such trial unless he shall prove the notice of such objection: Provided always, That it shall and may be lawful for any Judge at Chambers, on summons served by such Defendant or Plaintiff on such Plaintiff or Defendant respectively, to show cause why he should not be allowed to offer other objections whereof notice shall not have been given as aforesaid, to give leave to offer such objections on such terms as to such Judge shall seem meet.

12.
In case of
Action, &c.
notice of Ob-
jections to be
given.

AND whereas it is expedient for the greater encouragement of the useful Arts and Manufactures in these Realms to afford some further protection

13.
Property in
new Design
secured to In-
ventor or Pro-

prietor for
Twelve
calendar
Months.

protection and assistance to the inventors of new and useful improvements, by vesting the property therein in the inventors or proprietors thereof for a limited time; BE it therefore Enacted, That from and after the

One thousand eight hundred and Thirty

any person who shall invent, design or contrive, or shall become the proprietor of any invention, design or contrivance, whereby in the opinion of such inventor, designer, contriver or proprietor, some new and beneficial operation or result shall be obtained in any art, science, manufacture or calling whatsoever, shall, from and after the said

have the sole

right and property in every such new invention, design or contrivance for and during the term of *Twelve* calendar Months from the time of registering the same as hereinafter mentioned: Provided always, That every such inventor, designer, contriver or proprietor as shall be desirous of availing himself of the provisions of this Act, shall deposit, or cause to be deposited, in the manner and under the regulations hereinafter set forth, a full, true, correct and perfect fac-simile, model or specimen of his said invention, design or contrivance, with the name and actual place of address of such inventor, designer, contriver or proprietor attached thereto, in such manner as to the Commissioners or Registrars hereinafter named shall seem expedient, and shall also pay the sum of money in the manner and at the time hereinafter in that behalf mentioned.

14.
Appointment
of Commis-
sioners or
Registrars.

And be it further Enacted, That it shall be lawful for His Majesty, His heirs and successors, under His or their Royal Sign Manual, from time to time to appoint any number not exceeding *Three* Commissioners or Registrars to carry into effect the provisions of this Act, which Officers so from time to time appointed shall hold their respective offices during good behaviour, notwithstanding the demise of His Majesty or any of His heirs or successors: Provided always, That it shall be lawful for His Majesty, His heirs and successors, to remove any of such Officers upon some sufficient reason being found and assigned for such removal.

15.
Commis-
sioners or
Registrars
to receive
Deposits of
Models, &c.
for Exhibition,

And be it Enacted, That the said Registrars shall as soon as conveniently may be after the said

approve of and provide some fit and proper place for the reception of all such fac-similes, models or specimens as shall thereafter be deposited in their custody under the provisions of this Act, and shall cause the same to be preserved and exposed to public inspection in as perfect and commodious a manner, and under such rules, regulations, charges and expenses, as to the said Registrars shall seem fitting and expedient, during the space of *Twelve* calendar Months from the time of the deposit thereof respectively, and shall also be entitled

entitled to demand from each person who shall be desirous of depositing such fac-simile, model or specimen under the provisions of this Act, at the time of such deposit, the sum of *Ten Pounds* sterling only; and shall also on receipt of such fac-simile, model or specimen, and of the said sum of *Ten Pounds*, give to every such person who shall require or demand the same a Certificate of License, to be signed by One or more of the said Registrars, certifying the date of such deposit, together with a general outline or description of such fac-simile, model or specimen to which the same shall relate: Provided always, That the said Registrars shall be entitled to demand for every such Certificate the sum of *One Shilling* only.

on payment
of 10*l.*;

and give Cer-
tificate of
License to
Depositor.

And be it Enacted, That if any other person whatsoever after the said shall at any time during the continuance of the said term of *Twelve* calendar Months, bearing date from the day of the deposit of such fac-simile, model or specimen, either directly or indirectly make, use, vend or put in practice, or in anywise imitate, counterfeit or resemble the several inventions, designs or contrivances to which the same shall respectively refer, or shall make or cause to be made any addition thereto or subtraction from the same, whereby to pretend himself or themselves the inventor or inventors, designer or designers, contriver or contrivers thereof, without the license or consent in writing of the said person or persons whose name or names shall appear on the said fac-simile, model or specimen relating thereto, and deposited as aforesaid, and also in the said Certificate of License, or his or their assigns; or if any person shall, upon such thing not having been purchased from the person or persons named in such Certificate, or his or their assigns, or not having the license or consent in writing of such person or persons, or his or their assigns, write, paint, print, mould, cast, carve, engrave, stamp or otherwise mark the word "Licensed," or "By the King's License," or any words of the like kind, meaning or import, or with a view of imitating or counterfeiting the stamp, mark or other device of the person or persons so having obtained such Certificate of License as aforesaid, or shall in any other manner imitate or counterfeit the stamp or mark or other device of such person or persons, he shall for every such offence be liable to a penalty of *Fifty Pounds*, to be recovered by action of debt, bill, plaint, process or information in any of His Majesty's Courts of Record at Westminster, or in Ireland, or in the Court of Session in Scotland, to any person who shall sue for the same: Provided always, That nothing herein contained shall be construed to extend to subject any person to any penalty in respect of stamping, or in any way marking the words "Licensed," or "By the King's License," upon any thing made for the sole vending of which a Certificate of License before obtained

16.

Penalty for
using unau-
thorized the
subject matter
of a License;

or counter-
feiting Pro-
prietor's mark,
&c.

Holder of
License not to
be exempt in
consequence
of infringe-
ment of a
Patent.

Subject
matter of
License not to
be capable of
being after-
wards pa-
tented;

or licensed a
second time.

shall have expired : And provided always, That nothing herein con-
tained shall be construed to exempt any person or persons who shall
hereafter take advantage of the provisions of this Act from any
liability to which he or they may subject himself or themselves in any
action, suit or other proceeding to which they are now or may hereafter
become subject by reason of any infringement or alleged infringement
of any invention or contrivance for which His Majesty's Royal Letters
Patent have been already or may hereafter be obtained : And provided
also, That no invention, model or contrivance for which a Certificate
of License shall have been granted under the provisions of this Act
shall be capable of being made the subject of Letters Patent thereof
at any time after the date of such Certificate, nor shall the same be
capable of being made the subject of a Second License thereof under
the provisions of this Act.

17.
Application of
Monies to be
received by
Registrars.

And be it Enacted, That it shall be lawful for the said Registrars
for the time being to be appointed under the authority of this Act
to receive and take the said sums of *Ten* Pounds each on every such
fac-simile, model or specimen as shall be deposited in their custody
under the provisions of this Act ; and also the said sum of *One* Shil-
ling on every such Certificate of License as aforesaid ; and also such
sums of money as shall be received in respect of fees of admission to
the public for the inspection of the several fac-similes, models and
specimens, and to apply the amount to be so received by them in
payment of such necessary expenses as shall be by them incurred in
arranging, preserving and exposing to public view the several fac-
similes, models and specimens, and account for and pay the surplus
thereof at such times and in such manner as to the Lords Commis-
sioners of His Majesty's Treasury for the time being shall seem fit.

Letters Patent.

A

B I L L

To amend the Law relating to Letters Patent
for Inventions, and for the better Encou-
ragement of the Arts and Manufactures.

(Prepared and brought in by
Mr. Mackinnon and Mr. Hardy.)

*Ordered, by The House of Commons, to be Printed,
20 June 1836.*

16 February 1836.—6 WILL. IV.



A

B I L L

For continuing and making perpetual the Duty
on certain Offices and Pensions.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS by an Act passed in the fourth year of the reign of His present Majesty, intituled, “ An Act for continuing to His Majesty, until the Fifth day of July One thousand eight hundred and Thirty-five, certain Duties on Offices and Pensions for the Service of the Year One thousand eight hundred and Thirty-four, and to appropriate any Sums arising from the redemption of the Land Tax,” it was enacted, That the several and respective sums of money charged by virtue of an Act passed in the thirty-eighth year of the reign of his Majesty King GEORGE the Third, intituled, “ An Act for granting an Aid to his Majesty, by a Land Tax to be raised in Great Britain, for the Service of the year One thousand seven hundred and Ninety-eight,” upon any Person or Persons in respect of any Public Office or Employment of profit, or any Salaries, gratuitous Bountymonies, Rewards, Fees, Profits, Perquisites, Advantages, Pensions, Annuities, Stipends or yearly Payments in the said Act mentioned, and which were by the said Act, passed in the said thirty-eighth year of the reign of King GEORGE the Third, directed, after the Twenty-fifth day of March One thousand seven hundred and Ninety-nine, to be ascertained, raised, levied, collected and paid, according to the directions of any Act or Acts to be passed for that purpose, and which sums of Money and Duties last mentioned had been from time to time continued by divers Acts of Parliament, and were then in force until the Twenty-fifth day of March One thousand eight hundred and Thirty-four, should be continued and raised, levied, collected and paid unto His Majesty, from the said Twenty-fifth day of March One thousand eight hundred and Thirty-four until the Fifth day of July One thousand eight hundred and Thirty-five :

Preamble.

Letters Patent.

A

B I L L

To amend the Law relating to Letters Patent
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ragement of the Arts and Manufactures.

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For continuing and making perpetual the Duty
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in the Committee.]

WHEREAS by an Act passed in the fourth year of the reign of His present Majesty, intituled, “ An Act for continuing to His Majesty, until the Fifth day of July One thousand eight hundred and Thirty-five, certain Duties on Offices and Pensions for the Service of the Year One thousand eight hundred and Thirty-four, and to appropriate any Sums arising from the redemption of the Land Tax,” it was enacted, That the several and respective sums of money charged by virtue of an Act passed in the thirty-eighth year of the reign of his Majesty King GEORGE the Third, intituled, “ An Act for granting an Aid to his Majesty, by a Land Tax to be raised in Great Britain, for the Service of the year One thousand seven hundred and Ninety-eight,” upon any Person or Persons in respect of any Public Office or Employment of profit, or any Salaries, gratuitous Bountymonies, Rewards, Fees, Profits, Perquisites, Advantages, Pensions, Annuities, Stipends or yearly Payments in the said Act mentioned, and which were by the said Act, passed in the said thirty-eighth year of the reign of King GEORGE the Third, directed, after the Twenty-fifth day of March One thousand seven hundred and Ninety-nine, to be ascertained, raised, levied, collected and paid, according to the directions of any Act or Acts to be passed for that purpose, and which sums of Money and Duties last mentioned had been from time to time continued by divers Acts of Parliament, and were then in force until the Twenty-fifth day of March One thousand eight hundred and Thirty-four, should be continued and raised, levied, collected and paid unto His Majesty, from the said Twenty-fifth day of March One thousand eight hundred and Thirty-four until the Fifth day of July One thousand eight hundred and Thirty-five :

Preamble.

And whereas doubts have arisen whether the said respective sums of Money and Duties were continued by the said Act passed in the fourth year of His present Majesty's reign, and might lawfully be assessed, collected or deducted after the said Fifth day of July One thousand eight hundred and Thirty-five :

5

And whereas it is expedient that such doubts should be removed, and that such respective sums of Money and Duties should be continued and made perpetual :

1.
Duties con-
tinued.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Tem- 10
poral, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the several and respective sums of Money and Duties which by the said recited Act of the fourth year of the reign of His Majesty were directed to be continued, raised, levied, collected and paid from the Twenty-fifth day of March One thousand 15
eight hundred and Thirty-four until the Fifth day of July One thousand eight hundred and Thirty-five, shall be continued, raised, levied, collected and paid unto His Majesty, His heirs and successors, from the said Fifth day of July One thousand eight hundred and Thirty-five for ever; and all such sums of Money and Duties as have been 20
assessed, collected upon or deducted from any Monies which have accrued due and been paid to any Persons in respect of any Public Office or Employment of Profit, or any Salaries, gratuitous Bounty Monies, Rewards, Fees, Profits, Perquisites, Advantages, Pensions, Annuities, Stipends or yearly payments, since the said Fifth day of 25
July One thousand eight hundred and Thirty-five, shall be deemed and taken to have been lawfully assessed, collected and deducted; and in case any such Monies so paid to any Persons, and hereby made liable to the said Duties, shall not have been assessed to the same, or the said Duties shall not have been collected, or any such Monies shall have 30
been paid in full without deducting the said Duties therefrom, then it shall be lawful, where the said Duties were assessable under the said recited Act of the fourth year of the reign of His Majesty, to assess, levy and collect the same as and from the said Fifth day of July One thousand eight hundred and Thirty-five; and where the said Duties were 35
directed by the said last-mentioned Act to be deducted, to deduct the same out of the first payment which shall become due after the *passing of this Act*, in addition to the Duties accrued in respect of such payment.

2.
Provisions of
former Acts
extended to
this Act.

And be it further Enacted, That the several powers and provisions contained in an Act passed in the sixth year of the reign of his late 40
Majesty King GEORGE the Fourth, intituled, "An Act for continuing to His Majesty for One year certain Duties on Personal Estates, Offices and Pensions in England, and also for granting certain Duties

on

on Sugar imported for the Service of the year One thousand eight hundred and Twenty-five," for the ascertaining, assessing, taxing, regulating, paying and accounting for the Duties on Offices and Pensions, shall extend and be construed to extend to the Duties on Offices and Pensions hereby granted and continued, except where other provisions are made by this Act, and that the several powers and provisions in the said Act contained which relate or refer to any day or time within or during or before or after the year commencing the Twenty-fifth day of March One thousand eight hundred and Twenty-five, shall extend and be construed to relate to the like days and times within or during or before or after the year commencing from the Twenty-fifth day of March One thousand eight hundred and Thirty-five, and from the same day in every year hereafter, in like manner as by the said recited Act is directed with reference to the year One thousand eight hundred and Twenty-five, and as if the several powers and provisions in the said recited Act contained were repeated and re-enacted in this present Act.

Provided always, and be it further Enacted, That no assessments shall be made by any Commissioner or Commissioners, Assessor or Assessors of the Land-tax or otherwise, for or in respect of the several Duties of One shilling and of Sixpence in the Pound, payable to His Majesty under the several Acts in force on Annuities, Pensions, Stipends, Salaries, Wages, Allowances, or other yearly Payments, whatsoever, granted and continued by this Act when the same are payable out of the Public Revenue of the receipt of the Exchequer or elsewhere in Great Britain by any Officer or Officers, but that all and every such Annuities, Pensions, Stipends, Salaries, Wages, Allowances, or other yearly payments shall and are hereby declared to be charged and assessed to the said Duties respectively, to the same annual amount as heretofore rated, charged or assessed under any Act or Acts; and all monies applicable to the payment of such Annuities, Pensions, Stipends, Salaries, Wages, Allowances, or other yearly payments, shall be issued, paid and discharged, less by the amount of the said Duties to all intents as if the same were continued to be charged by annual assessment, and hereby authorized to be stopped and deducted as Duties payable to His Majesty; any thing in this Act or any former Acts contained to the contrary notwithstanding: Provided also, That where any Officer who shall be in receipt of any such Annuity, Pension, Stipend, Salary, Wages, Allowance, or other yearly payment payable at the Exchequer or elsewhere in Great Britain out of the Public Revenue as aforeaaid, shall also be in receipt of perquisites, fees, gratuities, wages, allowances, or other profits not so payable, but which are chargeable with the said Duties, it shall be lawful for the Lords Commissioners of the Treasury to authorize such last-mentioned Duties, unless otherwise paid, to be stopped or detained from the amount of the salary or other yearly payment

3.
Pensions, &c.
out of Public
Revenue may
be paid short
of the Duty.

payment made to any such Officer ; and it shall and may be lawful for the said Lords Commissioners of the Treasury, or any *Three* or more of them, by any warrant under their hands, whenever they shall deem the same advisable, to authorize and direct that the amount of any Annuity, Pension, Stipend, Salary, Wages, Allowances, or other yearly payments whatever, payable out of the Public Revenue in any branch or department thereof, and chargeable with any of the said Duties, shall be reduced and paid short by the amount of the Assessment or Assessments of any of such Duties respectively, as if such Assessments were actually made, and every such Warrant shall be received in discharge of any such Assessment, and as a full authority for reducing the said annual payments, and paying the same short as aforesaid. 5 10

4.
Appropriation
of Duties.

And be it further Enacted, That all the Monies which shall be collected under the authority of this Act, shall be paid into the Receipt of His Majesty's Exchequer, and carried to and made part of the Consolidated Fund of Great Britain and Ireland.

Pensions' Duties.

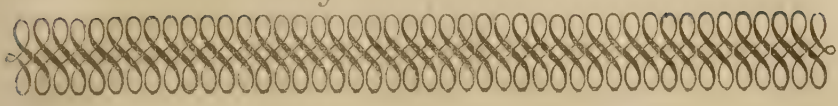
A

B I L L

For continuing and making perpetual the Duty on certain Offices and Pensions.

(Prepared and brought in by
Mr. Chancellor of the Exchequer,
and Mr. Baring.)

Ordered, by the House of Commons, to be Printed,
16 February 1836.



(Ireland.)

A

B I L L

To amend an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King GEORGE the Fourth, for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREBY by an Act passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, “ An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland,”

5 it was enacted, that it should and might be lawful to and for the Justices of the Peace, save and except within the county of Cork, within their respective jurisdictions, at the January Sessions to be holden next after the passing of that Act, to divide the county, county of a city, or county of a town, for which such Sessions should be holden,

10 into districts, for the purposes of that Act, in manner in the said Act mentioned: And whereas there are some counties in Ireland which were not so divided at the January Sessions holden next after the passing of the said Act, and it is expedient that the same should be so divided, notwithstanding the time for doing so has expired;

15 **B**E it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful to and for the Justices of the Peace, save and except within the county

20 of Cork, of any county, county of a city, or county of a town, which has not been divided into districts for holding Petty Sessions under the said recited Act, and they are hereby required, within their

243.

Preamble :
7 & 8 Geo. 4.
c. 67.

1.
Counties, &c.
not yet di-
vided into
Districts for
holding Petty
Sessions, may
be so divided
at any
January
Sessions.

respective

A

respective jurisdictions, at the October Sessions to be holden next after the *passing of this Act*, or at any subsequent January Sessions, to divide the county, county of a city or county of a town for which such Sessions shall be holden into such districts for the purposes of the said recited Act and of this Act as to them shall seem most expedient, fixing within every such district a place or places wherein the Petty Sessions shall be holden for such district respectively; and every such division may be altered, and such order in writing shall be made, specifying the boundaries thereof, as is directed by the said recited Act, and the several other matters directed to be done in respect of any such division by the said recited Act shall be done and performed upon and in respect of every such division made under the authority of this Act, and every such division shall be as valid and effectual to all intents and purposes as if the same had been made at the January Sessions next after the passing of the said recited Act, and every Petty Sessions Court held in any such district shall be subject to all the rules and regulations made and provided in and by the said recited Act as to the appointment of a Clerk to said Court, and the taking of Fees therein, and to all other matters to be done at such Court, or by any Magistrate or Magistrates therein, as if the same were expressly repeated in this Act and re-enacted herein, save so far as the same are varied or altered by this Act.

2.

Justices to
take down the
Evidence in
Criminal
Cases in
Writing.

And be it further Enacted, That in every case where any Magistrate or Magistrates shall at any Petty Sessions Court appointed under the said recited Act or this Act proceed in a summary way to try any information or complaint of a criminal nature, or upon which any pecuniary or other penalty may be awarded, such Magistrate or Magistrates, or one of them, if there be more than one, shall take or cause to be taken a note or minute in writing of the evidence given on oath for the prosecution and for the defence, or of so much thereof as shall be material, in a book to be kept in said Court by the Clerk of the said Petty Sessions, with the registry or record of the proceedings done at such Petty Sessions, and such book shall be signed by the Justice or Justices by whom such information or complaint shall have been heard, on the day on which such complaint or information shall have been determined.

3.

Clerk of
Petty Sessions
to keep an
Account of
Fines paid to
him.

And be it further Enacted, That the Clerk of every Petty Sessions Court shall enter in the Book kept by him, containing a record of the proceedings at Petty Sessions, an account in writing of all fines or penalties, or portions of fines or penalties, imposed at said Court, and paid to or deposited with him by order of the Justices attending thereat or otherwise, and of the appropriation thereof, and such account shall be always open to the inspection of any Justice at such Petty Sessions; and if he shall neglect to do so, or shall make any false entry

entry in such account, he shall forfeit for every such offence a sum of _____ to be recovered by any person who will sue for the same by civil bill before the Assistant Barrister of the county.

5 And be it further Enacted, That once in every *Three* Months after the *passing of this Act*, the Clerk of every Petty Sessions Court shall make out and transmit to the Chief Secretary to the Lord Lieutenant of Ireland, or, in his absence, to the Under Secretary for the time being, a return under his hand, in the form in the Schedule to this Act annexed, of the proceedings at such Petty Sessions, and that
10 every such Clerk who shall wilfully make default in transmitting such Return, or shall wilfully make an untrue statement therein, shall, on conviction thereof before any *Two* Justices of the Peace of said county, forfeit and pay for every such offence any sum not exceeding *Five* Pounds, to be levied by distress and sale of the goods and chattels of
15 such person so offending.

4.
Clerks of
Petty Sessions
to make
Returns to
the Chief or
Under Secre-
tary.

And be it further Enacted, That from and after the *passing of this Act*, every information, examination and recognizance sworn, taken or acknowledged at any Petty Sessions in Ireland shall be transmitted by the Magistrates at such Sessions, or the Clerk of such Petty Sessions,
20 to the Clerk of the Crown of the county, county of a city or county of a town in which such Sessions are holden, if the same shall relate to any matter to be tried or inquired into at the Assizes, and if to any matter to be tried or inquired into at the Quarter Sessions, then to the Clerk of the Peace of such county, city or town, *One* week at the latest from the date of the committal for trial, or of the bailment of the party or parties accused by or in such informations, or of the taking of such recognizance, as the case may be, any thing in the said recited Act, or in an Act made in the ninth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for im-
25 proving the Administration of Justice in Criminal Cases in Ireland," to the contrary thereof notwithstanding; and the Clerk of the Petty Sessions shall on every such information and recognizance endorse the true date of its being so transmitted, and shall, on the day before the day for holding each Petty Session, enter in the book containing an
30 entry of the proceedings at the Petty Sessions, an account in writing, stating the particulars of the informations so transmitted by him since the last sitting of such Petty Sessions, and to whom transmitted, and shall sign such account; and if any Clerk of Petty Sessions shall omit or neglect to transmit any such examination, information or
35 recognizance to the officer to whom it ought to be transmitted within the time aforesaid, or to enter or sign such account as aforesaid, he shall forfeit for every such omission or neglect a sum of _____
40 to be recovered by civil bill, before the Assistant Barrister of the county, by any person who will sue for the same; and if any Justice or Clerk

5.
Informations,
&c. to be
transmitted in
One week
from the
Committal or
Bailment of
the Accused.

of Petty Sessions shall neglect or offend in any thing contrary to the provisions of this Act, it shall be lawful to and for the Court to whose officer any such information, examination or recognizance ought to have been so delivered, and such Court is hereby authorized and required, upon examination and proof of the offence in a summary manner, to set such fine upon every such Justice or Clerk as the Court shall think meet. 5

6.
One Justice
may act at
Petty Sessions
in certain
cases.

AND whereas it is by the said recited Act amongst other things enacted, "that every warrant, information, conviction, committal, recognizance or order of the Justices of Petty Sessions shall be signed by Two Justices at the least," and in consequence of said enactment requiring the attendance of Two Justices at every Petty Sessions, frequent adjournments of such Petty Sessions have taken place from the non-attendance of a sufficient number of Justices, although in many cases One Justice would be legally competent to transact certain parts of the business to be disposed of at such Petty Sessions; FOR Remedy whereof in such cases, Be it therefore Enacted, That in all cases in which by law any warrant, conviction, committal or order may be made, or if that Act had not been passed, might have been made by, or any information or recognizance taken before One Justice of the Peace alone, it shall and may be lawful to and for any One Justice of the Peace attending alone at the time and place fixed for holding any Petty Sessions to proceed, notwithstanding the absence of any other Justice or Justices, to hear, determine and dispose of all complaints, informations, matters and things whatsoever then ready to be heard, determined and disposed of at such Petty Sessions, which One Justice of the Peace is or may be by law competent to hear, determine or dispose of, or which might have been heard, determined or disposed of by One Justice if that Act had not passed, and to sign any warrant, conviction, order or committal, and to take any information or recognizance upon or relating to every suit, complaint, information, matter or thing which by law One Justice sitting alone is or may be empowered to sign or take, or could have signed or taken if that Act had not been passed. 10 15 20 25 30

7.
Justices to
bind Parties
complaining
of Assaults
in Recogni-
zances to
attend Petty
Sessions and
prosecute.

And be it further Enacted, That every Justice of the Peace, at Petty Sessions or elsewhere, who shall receive any information on oath from any person complaining of his or her having been assaulted, and who shall thereupon sign any summons or warrant against any person or persons, in order to their attending at any Petty Sessions to answer such complaint, shall, before issuing such summons or warrant to be served or executed, bind the party or parties complainants in such information, by recognizance to our Lord the King, in a sum not exceeding to attend and prosecute their said information at such Petty Sessions; and it shall and may be lawful for 35 40

the

the Justices at such Petty Sessions, if they shall think fit, to estreat any such recognizance on default of the party or parties thereto in not attending and prosecuting their said complaint and information, and to return the same to the Clerk of the Peace of the county, county of
 5 a city or county of a town; and it shall be lawful for the Assistant Barrister at the next Quarter Sessions, if he shall think fit, to issue his decree for the levying of the whole of the sums secured by such recognizance, or such part thereof as he shall think proper, and to direct the same to be paid to such Infirmary, Hospital or Dispensary as
 10 he shall think fit, and such decree shall have the force of any decree of such Assistant Barrister, and shall be in such form as he shall think proper.

AND whereas by law many fines and penalties, and portions of fines and penalties, are made payable to the infirmary of the county,
 15 city, town or place wherein the conviction shall take place, and it is in some cases doubtful to what Infirmary the same should be paid, and it may be expedient from time to time to direct the payment of such monies to particular local charities; BE it therefore further Enacted, That it shall and may be lawful to and for the Grand Jury
 20 for every county, county of a city, or county of a town, at the Spring Assizes in every year, and to and for the Grand Juries of the county and county of the city of Dublin, at every Michaelmas Term, to declare and fix to what Infirmary or Infirmarys, Hospital or Hospitals, Dispensary or Dispensaries, supported in whole or in part by present-
 25 ment of such Grand Jury, the fines and penalties imposed at every or any Petty Sessions holden within such county, county of a city, or county of a town, and payable by law to the Infirmary of the county, city, town or place wherein the conviction shall take place shall be paid, and from time to time at such Spring Assizes and
 30 Michaelmas Term respectively to alter every such place of payment as they may think fit; and every such Infirmary, Hospital and Dispensary so fixed by such Grand Jury shall be deemed entitled to the payment of such fine and fines, and to all the remedies for the recovery and enforcing the payment of and accounting for the same provided by law for enforcing such payment and account to any County
 35 Infirmary.

8.
 Grand Juries may fix the Infirmary, &c. to which Fines at Petty Sessions are to be paid.

And be it Enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, from time to time, to order that any person detained in custody under any
 40 process issued on a recognizance shall be discharged from such custody, on or without payment of Sheriff's fees or other expenses, or that any money levied by any Sheriff or other officer or person under any such process, and not accounted for and paid by him, shall be repaid to the person from whom it was levied, either after deducting the

9.
 Lord Lieutenant may order Persons in custody on Recognizances to be discharged, and may direct Process on forfeited Recognizances not to be executed.

Sheriff's fees, and the expenses of such process and levy, or without such deduction, or on such other terms as the Lord Lieutenant or other Chief Governor or Governors shall think proper; and the Lord Lieutenant, or other Chief Governor or Governors, shall also have power to direct that process on any estreated or forfeited recognizance shall not be executed. 5

10.
Clerk of the Peace, or Clerk of the Crown, to keep an Office, to be attended by himself, or some competent person, Three Hours a day.

And be it Enacted, That from and after the *passing of this Act*, every person who now holds or shall at any time hereafter hold the office of Clerk of the Peace or Clerk of the Crown of any county, or county of a city, or county of a town, in Ireland, shall keep in the place or town in the county, city or town of which he shall be such Clerk of the Crown or Clerk of the Peace, in which the Assizes for such county, town or city are or shall be holden, an Office, in which he, or some sufficient and competent person appointed by him, shall attend, and such Office shall be kept open every day, except Sunday, Good Friday and Christmas-day, from the hour of *Twelve* of the clock until *Three* of the clock in the afternoon; and if any Clerk of the Peace or Clerk of the Crown shall omit or neglect to keep such Office open, and to attend by himself, or some sufficient person, in the same during the said period of *Three* Hours in each day, or any part thereof, he shall for every such omission or neglect forfeit the sum of to any person who will sue for the same by civil bill before the Assistant Barrister having jurisdiction to determine causes by civil bill in the place or district in which such Office is or ought to be kept, or by action in any of the Superior Courts, and such Clerk of the Peace or Clerk of the Crown shall and may be fined (whether sued for such penalty or not) by any Judge of Assize in such place, such sum not exceeding as he shall think proper for such omission or neglect. 10 15 20 25

11.
Fee for engrossing Informations not to exceed Two Shillings.

And be it Enacted, That from and after the *passing of this Act*, it shall not be lawful for any Clerk of Petty Sessions in Ireland to demand or receive for engrossing or preparing any number of informations relating to the same transaction any greater fee or reward than the sum of *Two* Shillings, and that he shall not demand or receive from any person any fee for engrossing or preparing any recognizance, unless he shall be required by such person, or some person on his behalf, to prepare the same. 30

SCHEDULE.

County of

Barony of

RETURN of PROCEEDINGS in PETTY SESSIONS held at
during the Quarter ended the

, for the District of
day of 183

CLERK of PETTY SESSIONS.

{ Date of transmission to
Chief or Under Secretary.

Attending Magistrates, and the Number of their respective Attendances in the Quarter.	Total Number of Informations submitted to the Magistrates.	OF WHICH THERE WERE		DATES when returned, and Number returned on each Day.	NUMBER of CIVIL CASES.	Amount of Fees received, and how applied.	Amount of Fines and Penalties paid to the Clerk or Justices, and how disposed of.	REMARKS.
		Adjudicated summarily.	RETURNED FOR TRIAL To the Clerk of the Crown. To the Clerk of the Peace.					
A. B., Esq. - 6 C. D., Esq. - 4 &c. &c.								

N.B.—In the Column of Remarks the Clerk of Petty Sessions must state the Number of Days on which Petty Sessions were holden in the Quarter, and also the Number of days on which Petty Sessions were not holden, in consequence of the non-attendance of Magistrates.

Petty Sessions.

(Ireland.)

A

B I L L

To amend an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King GEORGE the Fourth, for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland.

(Prepared and brought in by
Mr. Attorney-General for Ireland, and
Lord Viscount Morpeth.)

Ordered, by The House of Commons, to be Printed,
6 May 1836.

20 April 1836.—6 WILL. IV.



A

B I L L

For avoiding the late Election of Councillors and other
Corporate Officers for the Borough of Poole.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **H**EREBY by virtue of an Act passed in the last Session of Parliament, intituled, “An Act to provide for the Regulation of Municipal Corporations in England and Wales,” an election of Councillors for the Borough of Poole, in the County of Dorset, was had in the said Borough on the twenty-sixth day of December now last past :

And whereas by means of certain fraudulent and illegal practices in taking the poll at the said election, and making the return of the Councillors elected thereat, certain persons were declared to be duly elected Councillors, who were not elected by the greatest number of votes of the Burgesses who were entitled to vote and did vote at that election :

And whereas the Councillors so declared to be duly elected afterwards proceeded to elect Six Aldermen for the said Borough, and the persons so illegally declared to have been elected Councillors as aforesaid voted at and for the election of the said Aldermen, who would not otherwise have been elected :

And whereas the Council of the said Borough (including the persons so illegally declared to have been elected Councillors) afterwards proceeded to elect a Mayor, who but for such illegal declaration as aforesaid would not have been elected :

And whereas the said Council have removed from their offices divers ministerial, executive and other Officers who were in office in the said Borough at the time of the said election, and have appointed other persons in the place of those so removed :

And whereas there is no remedy at law for the grievances aforesaid, 5
and such remedy cannot be had without the aid of Parliament ;

FOR Remedy thereof,

1. **BE it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the several elections of the Mayor, Aldermen and Councillors of the said Borough of Poole, and every removal and appointment of any Officer by the said Mayor, Aldermen or Councillors, or by the said Council, and all Bye-laws made by the said Council, shall be and the same are hereby declared to be null and void: Provided always, That nothing in this Act contained shall extend to render null and void any act of the said Mayor, Aldermen or Councillors, or of the said Council, other than such removals, appointments and bye-laws as aforesaid, except as hereinafter is excepted: Provided also, That no person acting in any office under any such appointment as aforesaid, shall be liable to any action, suit, indictment or information, or other proceeding at law or in equity for or on account of any thing done by him in the due exercise of his office; but all acts, deeds, matters and things so done by any person in any such office shall be as good and valid to all intents and purposes as if this Act had not been passed. 10 15 20 25

2. And be it Enacted, That all Bonds and Instruments in writing, and all Agreements made, executed or entered into by the said Council for securing any sum or sums of Money by way of compensation for his office, to any person in office at the time of the passing of the said recited Act, shall, as against the Council to be elected under this Act, and as against the Mayor, Aldermen and Burgesses of the Borough of Poole, be void and of no effect. 30

3. And be it Enacted, That the Burgesses of the said Borough shall on the *Twenty-first Day* after the *passing of this Act*, proceed to the election of the Councillors for the said Borough, which election shall be holden before the Barristers who revised the present List of Burgesses for the said Borough, and shall be conducted in all respects according to the provisions of the said recited Act for the first election of Councillors for any Borough under that Act; and the said Barristers shall in the said election act with the same powers and 35

and perform the same duties and functions in all respects as the Mayor of any Borough under the said recited Act in the first election of Councillors under the said Act.

5 Provided always, and be it Enacted, That if one or both of the said Barristers shall refuse or be unable to act as aforesaid, the senior Judge in the Commission of Assize for the Spring Circuit in the present year for the county of Dorset, shall appoint One or Two Barristers, as the case may be, in the place of the Revising Barrister or Barristers refusing or being unable to act as aforesaid.

10 And be it Enacted, That the Councillors to be elected as aforesaid shall within *Seven Days* after their election elect the Aldermen of the said Borough, according to the provisions of the said recited Act for the first election of Aldermen, and the said Aldermen and Councillors shall forthwith elect, according to the provisions in that
15 behalf of the said Act, a fit person to be the Mayor of the said Borough.

And be it Enacted, That if the Mayor or the full number of Aldermen of the said Borough shall not have been elected within the time last aforesaid, then and in such case, the Burgesses of the
20 said Borough shall on the *Fourteenth Day* after the election of Councillors under this Act, openly assemble and elect the Aldermen then to be elected; and if no Mayor shall have been elected, the Burgesses shall at the same time elect the Mayor for the said Borough; and such election shall be holden, and the voting and other
25 proceedings, in case of a contest, shall be conducted in the manner and form prescribed by and under the provisions contained in the said recited Act for the election of Councillors in any Borough not divided into Wards; and the Councillors elected under this Act by the greatest number of votes in each Ward of the said Borough shall jointly preside at such election.

30 And be it Enacted, That the Mayor, Aldermen and Councillors to be elected under this Act shall continue in their respective offices till such time as they would have gone out of office under the said recited Act, if they had been elected upon the several days for the election of Mayor, Aldermen and Councillors in the present
35 year, according to the provisions in that behalf in the said recited Act; and that there shall be no new election of Mayor, Aldermen and Councillors for the said Borough, except to supply extraordinary vacancies before the usual times for the election of Mayor, Aldermen and Councillors next after the said several days for such election in the present year.

8.

And be it Enacted, That the Council to be elected under this Act shall within Days after the election of Mayor of the said Borough, and according to the provisions in that behalf contained in the said recited Act, appoint a fit person to be the Town Clerk of the said Borough, and also a fit person to execute the office of Sheriff of the County of the said Borough. 5

9.

And be it Enacted, That the election of Auditors for the said Borough, and Assessors of the Wards of the said Borough, shall be on the Day after the *passing of this Act*, in the manner and form and according to the provisions contained in the said recited Act in that behalf, 10

10.

AND whereas it is enacted by the said recited Act, that it shall be lawful for the Council first to be elected under the provisions of the said Act in any Borough to call in question certain purchases, sales, leases, demises and contracts therein described, and certain divisions and appropriations of monies, goods, valuable securities, real or personal estate therein mentioned, within Six calendar Months after the first election of Councillors under the said Act shall have been declared in such Borough; BE it Enacted, That the Council to be elected under this Act shall have the same powers of calling in question, within *Six* calendar Months next after the election of Councillors under this Act shall have been declared, all such purchases, sales, leases, demises, contracts, divisions and appropriations as aforesaid, in the manner and form prescribed by and subject to the provisions in that behalf contained in the said recited Act, as by the said Act are given to the Council of any Borough first elected under the said Act. 15 20 25

11.

And be it Enacted, That in all cases in which some time is specially appointed by the said recited Act, or has been appointed by His Majesty in Council under the powers in that behalf contained in the said Act, for electing or appointing to or removing from any office, or for calling to account any Officer, or for doing any matter or thing whatsoever, which time may have elapsed before the *passing of this Act*, or before such election, appointment, removal, calling to account or doing such matter or thing can be conveniently had, made or done by the Mayor, Aldermen or Councillors, or the Council to be elected under this Act, and no express provision to meet the case is made by this Act; then and in every such case the Mayor, Aldermen and Councillors, or the Council to be elected under this Act, shall have a reasonable time after this election for making such election, appointment or removal, and for calling to account any Officers, and for doing such matter or thing. 30 35 40

And

12.

And be it Enacted, That it shall be lawful for the Sheriff of the said County, and for the Town Clerk, Serjeants at Mace, Crier, and all Constables and Peace Officers of the said Borough in office at the time of the *passing of this Act*, and they are hereby required to
5 perform the functions of their respective offices until such time as other persons may be appointed, or until they may be re-appointed to the said several offices under the provisions of this Act.

13.

And be it Enacted, That for the time to come, in all cases where it shall not be inconsistent with the provisions of this Act, all elec-
10 tions, appointments to and vacations of office in the said Borough shall be made and take place at the time at which they would have been made and taken place, if the first election and appointment to all offices in the said Borough had been duly made according to the provisions of the said recited Act for the first election and appoint-
15 ment to offices in any Borough under the said Act.

14.

And be it Enacted, That all the clauses, enactments and provisions of the said recited Act, not inconsistent with this Act, shall be applicable to the Mayor, Aldermen and Burgesses of the Borough of Poole, and to the Mayor, Aldermen, Councillors and Council
20 thereof, and to the Officers appointed under the provisions of this Act.

15.

And be it Enacted, That the Barristers who shall hold the election of Councillors to be elected under this Act, shall be paid at the same rate and the same expenses by the Lords Commissioners of His
25 Majesty's Treasury; and the amount so paid shall be recovered from the Council to be elected under this Act, in the same manner as is prescribed and provided in the case of the Revising Barristers by the said recited Act.

Poole Corporation.

A

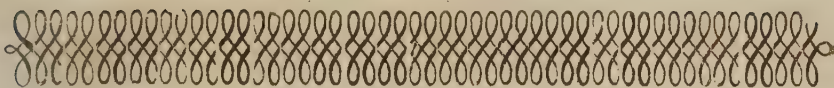
B I L L

For avoiding the late Election of Councillors
and other Corporate Officers for the Bo-
rough of Poole.

(*Prepared and brought in by*
Mr. Poulter and Mr. Aglionby.)

Ordered, by The House of Commons, to be Printed,
20 April 1836.

12 July 1836.—7 WILL. IV.



A

B I L L

TO

Facilitate the Administration of the Poor Laws in England and Wales.

[Note:—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

5 **W**HEREAS it is expedient to alter and amend, in manner
 hereinafter mentioned, an Act passed in the fourth and
 fifth years of the reign of His present Majesty, intituled, “ An Act
 for the Amendment and better Administration of the Laws relating to
 the Poor in England and Wales;” and also an Act passed in the
 fifth and sixth years of the reign of His said Majesty, intituled, “ An
 Act to facilitate the conveyance of Workhouses and other Property of
 Parishes, and of Incorporations or Unions of Parishes in England and
 Wales;” and to make the other Provisions hereinafter contained ;
 10 **BE** it therefore Enacted, by The KING’s most Excellent MAJESTY,
 by and with the Advice and Consent of the Lords Spiritual and Tem-
 poral, and Commons, in this present Parliament assembled, and by
 the Authority of the same, THAT the said recited Acts, and all and
 every the powers, authorities, articles, provisoes, exemptions, penal-
 15 ties and forfeitures, and all other matters and things contained in
 them, or either of them, save and except so far as the same are here-
 inafter varied or repealed, shall be as good, valid and effectual for
 carrying the several purposes of this Act into execution, and shall
 be taken to apply to this Act, as if the same had been herein repeated
 20 and re-enacted ; and that it shall be lawful for the Poor Law Com-
 missioners for England and Wales to delegate to their Assistant
 Commissioners, or to any of them, all or any of the powers and
 authorities hereby given to the Poor Law Commissioners, in such
 manner

Preamble:
4 & 5 Will. IV.
c. 76. (Poor
Law Amend-
ment Act.)

5 & 6 Will. IV.
c. 69, (Work-
house Proper-
ty Act.)

I.
Powers of
recited Acts
extended to
this Act.

Powers may
be delegated
to Assistant
Commis-
sioners.

manner and to such extent as they shall think fit, and from time to time to revoke, recall, alter or vary every such delegation, and notwithstanding such delegation to act as if no such delegation had been made.

2.
Interpretation. And be it Enacted, That in the construction of this Act, unless 5
there be something in the subject or context repugnant to such
construction, whenever a word importing the singular number or
masculine gender only is used, the same shall be understood to in-
clude and shall be applied to several persons or parties as well 10
as one person or party, and females as well as males, and several
matters or things as well as one matter or thing respectively, and
the converse ; and the words following, (that is to say) " Auditor,"
" General Rule," " Guardian," " Justice or Justices of the Peace,"
" Oath," " Orders and Regulations," " Overseer," " Owner,"
" Rack Rent," " Parish," " Person," " Poor," " Poor Laws," " Laws 15
for the Relief of the Poor," " Poor Rate," " General Quarter Ses-
sions," " Union," " United Workhouse," and " Vestry," shall have the
same interpretation respectively as is given to the said words respec-
tively by the said first herein recited Act.

3.
Interpretation
of the words
" Officer," and
" Workhouse." AND whereas doubts have been entertained as to the interpretation 20
in the said herein recited Acts of the words " Officer" and " Work-
house," which it is expedient to remove ; BE it Enacted and De-
clared, That in the construction of the said recited Acts and of this
Act, unless there be something in the subject or context repugnant
to such construction, the word " Officer" shall be construed to extend 25
to any person to whom that word is expressly extended by the said
firstly herein recited Act, and also to any Auditor, Assessor, Return-
ing Officer, Vestry Clerk, or other Person who shall be appointed or
employed by virtue of the said first or secondly herein recited Acts,
or of this Act, or any or either of them, for the purpose of carrying 30
the said Acts or this Act, or any or either of them, or the Laws for
the relief of the Poor, into execution, and whether he shall be ap-
pointed or employed for such purposes exclusively or not, and that the
word " Workhouse" shall extend to and include not only any house 35
in which the Poor of any Parish or Union shall be lodged and main-
tained, or any house or building purchased, erected, hired or used
at the expense of the Poor Rate, for the reception, employment, or
relief of any poor person therein, but also any messuage, land or
building appurtenant to or usually held with any Workhouse, and 40
any messuage, land or building provided at the expense of the
Poor Rate, or of any fund or sum of money partaking of the
nature of Poor Rate, or for which the Overseers of the Poor of any
Parish are liable to account as for Poor Rate, for the reception,
employment

employment or relief of impotent or other Poor under the provisions of an Act passed in the forty-third year of the reign of Queen ELIZABETH, intituled, "An Act for the Relief of the Poor," or any Act subsequent thereto, and any land or building purchased for the purpose of being exchanged for other land or building required for the use of any Parish or Union.

And be it Enacted, That in all rules, orders and regulations of the Poor Law Commissioners, and in all instruments to be made by virtue of the said first and secondly hereinbefore recited Acts, or either of them, or of this Act, the words "the Poor Law Amendment Acts" shall, unless there be something in the subject or context repugnant to such construction, be construed to mean the said first and secondly herein recited Acts and this Act.

4.
Interpretation
of the words
"Poor Law
Amendment
Acts."

AND whereas in and by the said secondly recited Act provision was intended to be made for the granting of Lands or Buildings, parcel of the Duchy of Cornwall, required for the purposes therein mentioned, but such provision hath not been found effectual; BE it Enacted, That where any Lands or Buildings shall be vested in His Majesty, His heirs and successors in right of the Duchy of Cornwall, it shall be lawful for the Officers or Council of the Duchy of Cornwall for the time being entitled to grant leases of lands, parcel of the said Duchy, by deed under the hands and seals of any two or more of them, to do all such acts as by the said secondly recited Act may be done by the Duke of Cornwall by any grant signed by the Chancellor of the said Duchy.

5.
Power to convey
Lands of
the Duchy of
Cornwall.

And be it Enacted, That it shall be lawful for any Guardian, Overseer, or other officer of any Union or Parish, to become the purchaser of any property sold under the provisions of the said recited Acts, or either of them, or of this Act, and for the Guardians, Overseers or other officers of any Union or Parish to purchase of any one or more of such Guardians, Overseers or other officers any property purchaseable under the provisions of the said recited Acts, or either of them, or of this Act, provided such purchases respectively be made with the approbation of the Poor Law Commissioners; and every purchase made with the approbation of the Poor Law Commissioners under the said recited Acts, or either of them, previously to the passing of this Act, is hereby declared as valid and effectual as if made under this Act.

6.
Purchase by
Guardians and
Parish Officers,
with consent of
Commissioners,
declared
valid.

AND whereas in carrying into effect the provisions of the said secondly herein recited Act, inconvenience has arisen in consequence of doubts whether the Guardians incorporated by virtue thereof of

any Parish or Union can convey, exchange or demise as a Corporation, and whether purchasers and others can obtain by virtue thereof effectual discharges, and whether the said herein recited Acts respectively apply to lands or buildings, or other hereditaments of copyhold or customary tenure, and in consequence of the difficulty of preserving evidence of compliance with the provisions of the said Act, and of the frequent inapplicability of the forms of conveyance, exchange, security and transfer contained in the Schedule to the said Act; BE it Enacted and Declared, That the Guardians incorporated, or to be incorporated, by virtue of the said secondly herein recited Act of any Parish or Union are and were thereby empowered to convey, exchange and demise, by deed to which their common seal has been or shall be duly affixed, without any further execution thereof by the said Guardians, or any of them, provided such conveyance, exchange or demise has been or shall be in all other respects warranted by the said hereinbefore first and secondly recited Acts, or either of them, or by this Act.

7.
Declaration that Guardians are and were empowered by 5 & 6 Will.IV. c. 69, to convey, exchange and demise by their common Seal.

8.
Receipt of Person authorized by Poor Law Commissioners to receive Monies a good discharge.

And be it Enacted and Declared, That the receipt in writing of any person to whom the Poor Law Commissioners shall, by any instrument under their seal, direct any monies payable in respect of any sale, lease or exchange of the property of any Parish or Union or any money borrowed by any Overseers or Guardians to be paid, shall be a sufficient discharge to the person paying the same, and shall exonerate such person and all persons claiming under him from seeing to the application thereof.

9.
Statements and recitals in conveyance under Seal of Poor Law Commissioners to be evidence of fact stated or recited.

And be it Enacted, That the statements or recitals contained in any conveyance, surrender, lease, exchange, security or assignment to which the seal of the Poor Law Commissioners shall be duly affixed, shall be conclusive evidence of the truth of the matters therein stated or recited.

10.
Declaration that provisions of recited Acts apply to Copyholds.

And be it Enacted and Declared, That the provisions of the said herein recited Acts and of this Act apply to and comprise lands and buildings and other hereditaments of copyhold or customary tenure, as well as lands, buildings and other hereditaments of freehold tenure.

11.
Provision for enfranchisement of Copyholds

And be it Enacted, That whenever any contract shall be entered into for the purposes of the said recited Acts, or either of them, or of this Act, respecting any lands, buildings or other hereditaments of copyhold or customary tenure, it shall be lawful for the Poor Law Commissioners to direct that the difference in value of such

such land, or buildings or other hereditaments as of copyhold or customary tenure, and the freehold or fee-simple thereof, including therein the value of any fine, heriot or customary due, payment or rent, or any service capable of being valued in respect of such land, or building or other hereditaments, shall be ascertained by such means as they shall think fit, and that such difference in value when so ascertained shall be paid to or invested for the use and benefit of the Lord of the Manor of which such lands, or buildings or other hereditaments shall be parcel, or such other person as would be entitled to the fines payable upon death or alienation of the same, or to such heriot, dues, payment, rent or service respectively, and upon and from the making of such payment or investment such lands, or buildings or other hereditaments shall thenceforth be deemed enfranchised, and for ever discharged from every fine, customary or copyhold heriot, due, payment, rent, suit or service, and such lands, and buildings and other hereditaments shall thenceforth be and remain of the tenure of free and common socage: Provided always, That if any such Lord of the Manor or other person be under any legal disability, the powers of the said recited Acts and of every other Act for building, hiring or purchasing workhouses, or for acquiring lands for workhouse purposes, enabling persons under disability to convey or otherwise dispose of and deal with property, shall apply to such Lord of the Manor or other person as amply and fully as if the case had been expressly provided for in such Acts or any of them: Provided also, That if such Lord of the Manor or other person be dissatisfied with such valuation, and shall within *Seven Days* after a tender made to him of the amount thereof, or after notice left at his last known place of residence, or with his known agent, of such amount being ready to be paid to him, or invested as aforesaid, send notice by the post to the Poor Law Commissioners of such dissatisfaction, it shall be lawful for the Poor Law Commissioners to direct a further valuation to be made, at or within such period as they may see fit, by *Two* Valuers, one to be named by the Poor Law Commissioners, and the other by such Lord of the Manor or other person, which *Two* persons so named shall, previous to entering on their valuation, name a *Third* Valuer, to be referred to in case they disagree, and the award of such *Three* Valuers, or any *Two* of them, shall be binding on all parties, and on payment or investment under the provisions of the said recited Acts, or any of them, or of this Act, of the amount of such last-mentioned valuation, such lands or buildings and other hereditaments shall thenceforth be deemed enfranchised and discharged in manner aforesaid, and be and remain of the tenure of free and common socage: Provided always, That it shall be lawful for any Overseers, Guardians, Lord of the Manor, or other person, to complete any voluntary agreement for the purchase and enfranchisement of any copyhold or customary lands, buildings or other hereditaments, under the direction and

If Lord of Manor dissatisfied, further valuation to be made.

Voluntary Agreements may be completed.

with the approbation of the Poor Law Commissioners in like manner as if such agreement had been originally made under this Act ; any thing in the said Acts, or either of them, or of this Act, to the contrary notwithstanding ; and in every such case, if any Lord of the Manor or other person be under legal disability, the power of the said recited Acts, and of any other Act for building, hiring or purchasing work-houses, or for acquiring lands for workhouse purposes, enabling persons to convey or otherwise dispose of or deal with property, shall apply to such Lord of the Manor or other person as amply and fully as if the case had been expressly provided for in such Acts, or any of them.

12.

Steward of Manor to enter Certificate on Rolls of Manor, and furnish Parchment Copy thereof to Poor Law Commissioners.

And be it Enacted, That when and so soon as any such enfranchisement as aforesaid shall have been made, it shall be lawful for the Steward of the Manor whereof the same lands or buildings were parcel, and he is hereby required, on receipt of a certificate of such valuation being made and enfranchisement effected, under the hands and seal of the Poor Law Commissioners, to enter such certificate on the Rolls or Books of the said Manor, and to furnish a copy of such entry, written on parchment, to the Poor Law Commissioners, or as they may direct, and to certify the same to be a true extract, under his hand, and such certificate, or a copy thereof, under the seal of the Poor Law Commissioners, shall thenceforth be evidence of such enfranchisement ; and such Steward shall receive the fee of *One Pound* only for making such entry and copy and certifying the same as aforesaid.

13.

Mode of Conveyance.

And be it Enacted, That all conveyances or instruments by way of sale, or exchange, or assignment, or security or transfer to be made under the authority of the said recited Acts, or either of them, or of this Act, may be made according to the forms set forth in the Schedule hereunto annexed, or in such other forms as the Poor Law Commissioners shall direct or approve of, or as near thereto as the number of parties, the nature of the interests, and the circumstances of such case will admit, and shall be valid and effectual in the law, without livery of seisin being made, or any bargain and sale to vest possession being executed, and without being enrolled.

14.

Instruments under recited Act and this Act exempt from Stamp Duty.

AND whereas doubts have arisen whether Conveyances and other Instruments made under the provisions of the secondly herein recited Act are or are not exempted under the provisions of the said first herein recited Act from Stamp Duty ; BE it Enacted and Declared, That no Conveyance or Instrument made or to be made under the provisions of the said secondly herein recited Act, or of this Act, were or shall be charged or chargeable with any Stamp Duty whatever.

15.

The meaning of the words " Grant and Convey," " Surrender

And be it Enacted, That when any hereditaments shall be sold or exchanged under the provisions of the said recited Acts, or either of them, or of this Act, and a pecuniary consideration paid on any such

such sale or exchange, and the same shall not be paid into the Bank of England, then and in such case in all conveyances by way of sale or exchange of any freehold hereditaments to the Guardians of any Union or Parish under the provisions of the said recited Acts, or either of them, or of this Act, the words "Grant and Convey," and in all conveyances by way of sale or exchange of any hereditaments of copyhold or customary tenure to such Guardians, the words "Surrender and Assure" shall respectively amount to and be construed to be express and absolute covenants to the said Guardians, their successors and assigns, from the party granting, conveying, surrendering or assuring such hereditaments for the warranty of the title of such hereditaments, and that the said party or his trustee, party to such conveyance or surrender, was at the execution of such conveyance or surrender respectively seised of, or entitled to, or had power to appoint therein an indefeasible estate of inheritance in possession, free from all incumbrances, except quit-rents, and had power to convey or surrender the same, and for quiet enjoyment thereof by the said Guardians and their successors or assigns against all persons, and for further assurance of such hereditaments and premises at the expense of such Guardians or their successors or assigns, by all persons, and that in all assignments of chattel interests to such Guardians, the words "assign and transfer" shall amount to and be construed to be express and absolute covenants to such Guardians, their successors and assigns, from the party assigning such interests for the warranty of the title of such hereditaments, and that the chattel interest thereby assigned was at the time of such assignment valid, and that the party assigning, or his trustee, party to such assignment, had power to assign the same, and for quiet enjoyment by the said Guardians, their successors or assigns, free from incumbrances, for the residue of the interest assigned, they paying the rents and observing the stipulations of the Lease, and for further assurance at the expense of the said Guardians, their successors or assigns, during the residue of the interest assigned by all persons claiming in respect of such interest; and that in all conveyances by sale or exchange of any freehold hereditaments by such Guardians, under the provisions of the said recited Acts, or either of them, or of this Act, the words "Grant and Convey," and in all conveyances of hereditaments of copyhold, or customary tenure by such Guardians, the words "Surrender and Assure," and in all assignments of chattel interests by such Guardians, the words "Assign and Transfer," shall respectively amount to and be construed to be express limited covenants to the grantee, surrenderee or assignee, his heirs, executors, administrators and assigns respectively, according to the tenure thereof respectively, from the said Guardians, for themselves and their successors, that they the said Guardians, at the date expressed in the deed of grant or conveyance or assignment, or in the said surrender respectively, had done no act to incumber the premises purporting

and Assure" in Conveyances and Surrenders to Guardians.

Meaning of words "Assign and Transfer" in assignment of chattel interests.

Meaning of the like words in Conveyances and Surrenders by Guardians.

to be thereby granted, conveyed, surrendered or assigned, and for quiet enjoyment thereof, against the said Guardians and their successors, and all persons claiming under them; and that they the said Guardians and their successors, and all persons claiming under them, will, on the request and at the expense of the grantee, surrenderee or assignee, do and execute all such other acts, deeds, surrenders and assignments as may be necessary and requisite for further assurance of such premises respectively. 5.

16.

Meaning of words "Grant and Demise."

And be it Enacted, That in all Leases by or to the Guardians of any Parish or Union of any hereditaments under the provisions of the said recited Acts, or either of them, or of this Act, the words "Demise and Lease" shall amount to and be construed to be express limited covenants to the lessees of such hereditaments from the lessors, for the quiet enjoyment of such hereditaments by the lessees, their successors, executors, administrators or assigns respectively, as the case may be, for the term and upon the stipulations expressed in such leases against such lessors and their successors, heirs, executors, administrators or assigns, as the case may be, and all persons claiming under them respectively. 10. 15.

17.

Hereditaments taken in exchange confined to uses for which those originally granted were limited.

And be it Enacted, That in any exchange to be made by virtue of the first and secondly herein recited Acts, or of this Act, or of either or any of them, the hereditaments respectively taken in exchange shall from and after the seal of the Poor Law Commissioners shall have been affixed to any deed by which such exchange shall be made, go, remain and be to the uses, upon the trusts, and to and for the ends, intents and purposes to, upon and for which the hereditaments respectively given in exchange were limited, subject or liable, immediately before the execution of such deed, and that no person shall be entitled to enter into any hereditaments given on any such exchange in consequence of eviction from any hereditaments received on any such exchange. 20. 25. 30.

18.

Effect of transfer of security, and meaning of words "Assign and Transfer."

And be it Enacted, That every transfer of a security given by virtue of the said first and secondly herein recited Acts or this Act, or either or any of them, shall entitle the assignee to sue in his own name; and that in every such transfer the words "Assign and Transfer" shall be construed to express a covenant on the part of the assignor that the principal money and interest thereby expressed to be assigned are respectively unpaid, and that he hath done no act to encumber, and that he hath good right to assign the same, and will do all further and necessary acts for completing such assignment and transfer at the expense and request of the assignee. 35. 40.

19.

Extension of time for paying off Loans to Twenty Years.

AND whereas by the said first recited Act it is provided, That when any sum of money shall have been borrowed for the purposes therein mentioned, the principal sum shall be repaid by annual instalments of not less than One-tenth of the sum borrowed, with interest on the same, in any one year, and several loans have been made by the Exchequer Bill Loan Commissioners and by private persons, 45.

sons, the amount whereof, or of a large part thereof, is still due, but the time for making such repayment has been found too short, and the burthen of such repayment ought, as far as may be practicable, to be distributed over a longer period; BE it Enacted, That when any money has been so borrowed under the direction or with the sanction of the Poor Law Commissioners, it shall be lawful for the Exchequer Bill Loan Commissioners, and for such private persons, if they shall see fit, upon an application from the Guardians or Officers of the Union or Parish to whom the same shall have been advanced, such application to be made under the direction of the Poor Law Commissioners, and in such form as they shall direct, to extend the repayment of the principal sum so remaining due to such a period as, calculating from the date of the charge on such rates, would extend the whole period of repayment to *Twenty Years*, instead of Ten; and in every future advance it shall be lawful for the Exchequer Bill Loan Commissioners, and they are hereby required, and also for any private person, if he shall see fit, upon any such application under the direction of the Poor Law Commissioners as aforesaid, to extend the repayment of any principal sum to be borrowed under the provisions of the said first recited Act to the said period of *Twenty Years*: Provided nevertheless, That not less than *One-twentieth* of such principal sum, and the interest due in each year upon the whole sum remaining due, shall be paid off in any one year, and so much of the said first recited Act as requires not less than One-tenth of such principal sum to be paid off in each year is hereby repealed: Provided always, That it shall be lawful for the Poor Law Commissioners, if they shall see fit, upon consideration of the circumstances of any Union or Parish, to direct the repayment by such Union or Parish, or by any Parish forming part of such Union, of any loan, or of any proportionable part of a loan, borrowed of the Exchequer Bill Loan Commissioners, or of any person who shall be willing to receive the amount, or any part thereof, then due, either wholly or in part, before the expiration of the period allowed for the repayment thereof, at such periods and in such proportions as the Poor Law Commissioners shall from time to time direct.

Not less than *One-twentieth* to be paid off annually.

And be it Enacted, That in any case where any Parish shall, under the direction of the Poor Law Commissioners, make any payment in discharge of the whole or any part of its proportion of any Loan borrowed jointly with other Parishes, or as forming part of a Union, such Parish shall to the extent of such payment thenceforward be discharged from any liability in respect of such loan.

20. Parish having paid off proportion of Loan, discharged from liability pro tanto.

AND whereas in several Unions or Parishes Loans have been raised and charges made upon the Poor Rates, and the money raised by such Loans has been applied to enable Paupers to emigrate, and

21. Loans made before 4 & 5 Will. IV. c. 76, declared valid in certain cases.

for other purposes now made legal by virtue of the said first recited Act ; but doubts have been entertained whether such Loans are legal charges on the Poor Rates, and injustice would in some cases be worked if such Loans should not be duly repaid; BE it Enacted, That in any such case where it shall appear to the Poor Law Commissioners 5 that any money has been so borrowed and applied by any Union or Parish, and that the same ought under the circumstances of the case to be repaid, it shall be lawful for the Poor Law Commissioners, by order under their seal, to declare the same as valid a charge on the Poor Rates as if the same had been borrowed under the provisions 10 of the said first recited Act, and to order the repayment of the same out of the proceeds arising from the sale of any property of such Union or Parish, or out of the Poor Rates thereof respectively, or out of any money to be raised on the credit of the Poor Rates in such manner and proportions, and at such periods, or an amount 15 equal thereto, to be at once raised, and the repayment thereof effected, as to the Poor Law Commissioners shall seem fit.

22.

Power to
appoint
Assessor or
Returning
Officer.

And be it Enacted and Declared, That at any Election of Guardians for any Parish or Union under the said recited Acts, or either of them, or of this Act, it shall be lawful for the Poor Law Commis- 20 sioners, if they see fit, to appoint under their hands and seal any one of the Churchwardens or Overseers of any such parish, or any proper person other than a Churchwarden or Overseer, who shall be willing to act, to be Assessor or Returning Officer at such Election, for the purpose of managing and conducting the same under the 25 directions and orders of the Poor Law Commissioners, and to empower such Assessor or Returning Officer to appoint any person to collect the votes and otherwise assist at such election, and every such Assessor or Returning Officer is hereby empowered to call for all Parish Books, and to examine any Churchwarden, Overseer or other 30 Parish Officer touching such Books, or any entry therein, or any matter relating to or affecting such Election, and also any person claiming to vote, as to his right or claim ; and it shall be lawful for such Assessor or Returning Officer to reject the vote of any person refusing to answer any questions put to him touching such right 35 or claim, and any Churchwarden, Overseer or other Parish Officer refusing to produce such Books, or to answer any question, or give any explanation put or required by such Assessor or Returning Officer touching any claim to vote, or relating to or affecting such Parish Books, or any entry therein, shall be deemed guilty 40 of a *Misdemeanor* : Provided always; That no person acting as such Assessor or Returning Officer, shall be capable of being himself elected at the election at which he shall so act ; and that any Churchwarden or Overseer, who, being duly appointed by the Poor Law Commissioners to act as Assessor or Returning Officer, shall, 45 without having a sufficient excuse, to be allowed by the Poor Law Commissioners, refuse or neglect to act, shall, for such refusal or neglect

No Assessor
or Returning
Officer capable
of being elec-
ted at election
where he acts
as such.

neglect, forfeit the sum of *Ten* Pounds, to be recovered as penalties are recoverable under the said first recited Act, and to be applied in aid of the Poor Rates of the Parish for which he shall be Churchwarden or Overseer.

Penalty on Churchwarden or Overseer refusing to act.

5 And be it Enacted, That any person who shall on or before the day of Election or of giving of votes in any case of voting under the said first or secondly herein recited Acts, or either of them, or of this Act, have paid up all arrears of the Poor's Rate assessed upon or due from him at and up to the period mentioned in the said first recited
10 Act, shall be entitled to vote, notwithstanding he may not have paid up any other of the Parochial Rates and Taxes assessed upon or due and claimed from him at the time of such Election or voting.

23. Persons having paid up arrears of Poor Rate entitled to vote at election of Guardians.

And be it Enacted, That no owner or proxy shall be entitled to vote as such owner or proxy at the first or any other than an
15 annual Election of Guardians, unless he shall have given a statement in writing of his name and address, and the description of the property in the Parish as owner whereof, or proxy for the owner whereof he claims to vote, and, if such proxy, the original or attested copy of the writing appointing him such proxy, to the Overseers of
20 such Parish on or before a day to be appointed for that purpose by the Poor Law Commissioners, and either no objection shall have been entered to such claim on or before a day to be appointed for that purpose by the Poor Law Commissioners, or such objection, if any, shall have been over-ruled by the Assessor or Returning Officer, on
25 a day to be appointed by the Poor Law Commissioners for the consideration of such objections before the day of taking votes at such Election.

24. No owner or proxy entitled to vote, unless claim be sent or objection over-ruled previous to a day to be fixed by Poor Law Commissioners.

And be it Enacted, That no owner or proxy shall be entitled to vote as such owner or proxy at any annual election of Guardians,
30 unless he shall either in the year in which he claims to vote or in any previous year have given a statement in writing of his name and address and the description of the property in the Parish as owner whereof, or proxy for the owner whereof he claims to vote, and, if such proxy, the original or an attested copy of the writing appointing
35 him such proxy to the Overseers of such Parish before the *First* day of *February* preceding such annual Election, and either no objection shall have been entered to such claim on or before the *First* day of *March* next before such annual Election, or such objection (if any) shall have been over-ruled by the Assessor or Returning Officer, on a
40 day to be appointed by the Poor Law Commissioners for the consideration of such objections before the day of taking votes at such Election.

25. Owners to enter Claims to vote at annual Elections on or before the 1st February in each year, and objections to be entered on or before the 1st March.

And be it Enacted, That where the Poor Law Commissioners shall see fit, they may direct that any *Two* or more Parishes in a

26. Poor Law Commissioners may assign one

Guardian for
Two or more
Parishes.

Union may be combined for the election of a single Guardian, and the vote and consent of such Guardian, when elected, shall be valid and binding on each of such combined Parishes ; and where the same person shall have been chosen as Guardian by more than one Parish, the vote and consent of such Guardian shall be as valid and binding for the purpose of consenting to a union for settlement or rating, and for every other purpose where the consent of a Guardian is required, on each of the several Parishes for which he shall have been so chosen, as if he were the Guardian of any such Parish solely.

27.
Power to di-
vide Parishes
into Wards.

And be it Enacted, That whenever the Poor Law Commissioners shall think it expedient that any Parish should be divided into Wards, Districts or Divisions for the election of Guardians, it shall be lawful for the Poor Law Commissioners, by order under their hands and seal, to divide such Parish into Wards, Districts or Divisions, as they shall think fit, and to determine and set out the extent and boundaries of such Wards, Districts or Divisions, and also the number of Guardians to be elected by each such Ward, District or Division, as members of the Board of Guardians of such Parish, or of the Union whereof such Parish shall form part.

28.
Consent of
persons nomi-
nated as Guar-
dians may be
called for
before voting.

And be it Enacted, That it shall be lawful for the Poor Law Commissioners, if they see fit, to direct that at any election of Guardians the consent of any person put in nomination for the office of Guardian to such nomination, and to serving such office, if elected, shall be obtained before the name of such person be inserted in any voting paper, or any votes be taken for such person, and to declare the nomination of any person who shall not have given such previous consent, and all votes, if any, given for him, to have been void.

29.
Overseers not
being Church-
wardens, and
Females, in-
eligible as
Guardians.

And be it Enacted, That no Overseer of the Poor (except a person who shall be Overseer only by virtue of being Churchwarden) shall be capable of being elected or nominated as Guardian for the Parish wherein he shall be Overseer, and that no Female shall be capable of being nominated or elected a Guardian for any Parish whatever.

30.
Appeal to
Poor Law
Commis-
sioners in dis-
putes at Elec-
tion of
Guardians.

And be it Enacted, That in case any vote shall have been refused, or any dispute shall arise at any Election of Guardians for any Parish or Union respecting the validity of the election of any Guardian, the person whose vote shall have been rejected, or whose election or non-election shall be in dispute, may appeal to the Poor Law Commissioners, who may, by themselves or their Assistant Commissioners, or such other person as they may appoint in that behalf, institute such inquiries, and either allow or disallow such vote,

vote, or confirm or annul such Election, and order a new Election, as they may see fit, and the decision in every such case shall be final; and pending any appeal respecting the Election of any person claiming to have been elected as Guardian, such person shall not act as Guardian, but the remaining or other Guardians may act without him; and all the acts of such Guardians done before such new Election, shall be confirmed, or in case the first Election be set aside, shall, until a valid Election shall have taken place, be as valid as if the whole Election had been originally good and sufficient:

10 Provided always, That any person intending to appeal, shall give notice in writing of such intention to the Assessor or Returning Officer before the close of such Election; or within *Three* clear Days after its close, and in default of his giving such notice, or of making such appeal within *Seven* clear Days from the date

15 of such notice, such person shall not be at liberty to make such appeal: Provided also, That no Election of any Guardian shall be deemed invalid by reason of the rejection of any vote, unless the person whose vote is rejected shall, during such election, give notice in writing to the Assessor or Returning Officer of his inten-

20 tion to appeal, and of the person for whom he intended to vote, nor unless, if such vote had been received, the Election would have fallen on some other person: Provided also, That if such appeal shall be allowed by the Poor Law Commissioners, and a new Election shall be ordered by them, such new Election shall be confined

25 to the vacancy occasioned by the allowance of such appeal.

And be it Enacted and Declared, That no act of any Board of Guardians heretofore done or hereafter to be done shall be or be deemed invalid by reason of any irregularity in the Election of any one or more of such Guardians.

31.
Acts of
Guardians not
affected by
irregularities
of Election.

30 And be it Enacted, That the Board of Guardians to be first elected after the *Twenty-ninth* day of *September* in any year for any Union or Parish, shall continue in office until the *First Thursday* after the *Twenty-fifth* day of *March* twelvemonth next after their Election, or until such other day after the said *Twenty-fifth* day of *March* twelvemonth as shall be fixed for the Election of Guardians in that year,

35 pursuant to the provisions in that respect of the said first recited Act.

32.
Continuance
of first Board
of Guardians.

AND whereas in and by the said first-recited Act the Poor Law Commissioners are empowered, by summons under their hands and seal to require the attendance of all such persons as they may think fit to call before them upon any question or matter connected with or relating to the Administration of the Laws for the Relief of the Poor, and also to make any inquiries, and require any answer or return as to any such question or matter, and to require and enforce the production of books, contracts, agreements, accounts

40

33.
4 & 5 W. 4.
c. 76. s. 2 and
12.

Power to
Guardians to
call for Papers
and Returns
from Parish
Officers.

and writings or copies thereof respectively in anywise relating to any such question or matter; and by the said first-recited Act the Assistant Commissioners are empowered to summon before them such persons as they may think necessary for the purpose of being examined upon any question or matter relating to the Poor or their relief, or for the purpose of producing and verifying any books, contracts, agreements, accounts and writings, or copies of the same, in anywise relating to such question or matter, and not relating to or involving any question of title to any lands, tenements or hereditaments not being the property of any Parish or Union, as such Assistant Commissioners may think fit; and it is expedient that the Poor Law Commissioners and Assistant Commissioners should be enabled to authorize the Guardians of any Parish or Union to act in manner hereinafter mentioned; BE it Enacted, That in every case where the Poor Law Commissioners or any Assistant Commissioner shall require the production of any books, contracts, agreements, accounts and writings, or require any return, and shall by any rule, order or regulation order and direct the Guardians of any Parish or Union to produce or cause to be produced such books, contracts, agreements, accounts and writings, or any papers or documents relating to such Parish or Union, or the property of such Parish or Union respectively, or to make or cause to be made any such return, it shall be lawful for such Guardians, and they are hereby empowered and required, by writing under their common seal, to summon and call before them any Churchwarden, Overseer or Officer of any Parish for which such Guardians shall act, or of any Parish forming part of the Union for which such Guardians shall act, and to require from him, and enforce the production of every such book, contract, agreement, account, writing and copy, paper, document or return specified in or relating to, or which shall in the opinion of such Guardians enable them to comply with or carry into effect such rule, order or regulation of the said Poor Law Commissioners or Assistant Commissioner; and in case the said Guardians shall require any such Churchwarden, Overseer or Officer to be examined touching any such matter or return, or to verify any examination, or any such book, contract, agreement, account, writing or copy, paper, document or return respectively, it shall be lawful for such Guardians, by writing under their common seal, to summon such person to appear within *Two Days* from the service of such summons before any Justice of the Peace, who is hereby authorized and required, on proof of the service of such last-mentioned summons, to administer to such person, if he shall attend in obedience to such last-mentioned summons, an oath, or require him to subscribe to a declaration as to the truth and identity of any deed, paper, document or return produced or evidence given or to be given by such person in obedience to such

such first-mentioned summons, and every summons hereby authorized may be served in manner provided for service of summonses under the said first-recited Act, and may be enforced under, and the person guilty of such neglect or disobedience shall be
 5 subject to, the penalties provided in cases of neglect or disobedience to the summonses of Justices and Guardians, or of a Justice or Guardian, in and by the said first-recited Act or this Act, and such penalties may on conviction be recovered against such person accordingly.

10 And be it Enacted and Declared, That it shall be lawful for the Poor Law Commissioners, by order under their seal, to appoint and regulate the continuance in office or dismissal of an Auditor, and when they shall see fit an Assistant Auditor for any Union or Parish, or for any number of Unions or Parishes ; and that the duties
 15 of every Auditor or Assistant Auditor appointed under the said first recited Act, or of this Act, do and shall extend to Parochial Accounts and Rates of every description ; and every such Auditor and Assistant Auditor, and also every Auditor or Assistant Auditor whose appointment shall be confirmed under the seal of the said Poor Law Commis-
 20 sioners subsequent to the passing of this Act, although such appointment shall have taken place previous thereto, shall respectively have and be entitled to exercise the like powers and authorities in every respect as are given to or vested in Auditors of Ac-
 25 counts in and by an Act passed in the first and second years of the reign of His present Majesty King WILLIAM the Fourth, intituled, " An Act for the better Regulation of Vestries, and for the appointment of Auditors of Accounts in certain Parishes in England and Wales," and also all other powers whatsoever which are by law
 30 vested in Vestries or Auditors for examining, auditing, allowing or disallowing the accounts of Churchwardens and Overseers of the Poor by virtue of any public or local Act in force in the District, Union or Parish for which any such Auditor or Assistant Auditor shall act, within the limits authorized by such public or local Act
 35 expressly given in and by this Act, or in and by the said first recited Act, subject, however, in every such case and in all respects to the rules, orders and regulations of the Poor Law Commissioners, any thing in any Act to the contrary notwithstanding.

34.
Power to
appoint
Auditors.

And be it Enacted, That in any case where the Poor Law Com-
 40 missioners shall under the provisions of the said first recited Act or this Act, by order under their hands and seal, have directed the Overseers or Guardians of any Parish or Union, to appoint any paid Officer with such qualifications for such purposes, and to perform such duties, and to be elected in such manner as in the said order may be specified, and the Overseers or Guardians respectively to whom such order shall be addressed shall have refused or neglected

35.
Power to ap-
point Officers
in case of neg-
lect or disobe-
dience of
Overseers or
Guardians.

to make such appointment, in the terms of such order, within the space of *Twenty-one* Days from the issuing thereof, then and in any such case, it shall be lawful for the said Commissioners to make such appointment, and every such Officer shall have the like powers and authorities in all respects as he would have had if appointed in manner prescribed in the said first recited Act. 5

36.
Salaries of
Auditor, or
Assistant
Auditor, &c.
charged on
Rates of
Unions and
Parishes.

And be it Enacted, That it shall be lawful for the Poor Law Commissioners, by order under their hand and seal, to fix the amount of the Salary or other remuneration to be paid to any Assessor or Returning Officer, Collector of Votes or other person employed in conducting the election of Guardians, Auditor or Assistant Auditor or other Officer to be appointed by virtue of this Act, and the amount or proportion thereof respectively to be paid by every Union or Parish for which any such Officer shall be appointed, and the Guardians or Overseers respectively (as the case may be) of every such Union or Parish may and are hereby required to pay the amount or proportion of such Salary or remuneration as the Poor Law Commissioners shall fix for any such Officer, and the same is hereby made chargeable upon and payable out of the common fund or Poor Rate of such Union or Parish, or the respective Parishes of such Union, in the manner and proportions fixed by the Poor Law Commissioners, and shall be recoverable against the Guardians or Overseers of such Union or Parish, or respective Parishes, in like manner as Salaries of paid Officers of any Union or Parish are recoverable under the provisions of the said first recited Act : Provided also, That if the Guardians of any Union or Parish, or the Overseers of any Parish not governed by a Board of Guardians shall feel aggrieved by any such last-mentioned order, it shall be lawful for them, within *Seven* Days from the receipt thereof, to appeal from the same to one of His Majesty's Principal Secretaries of State, whose decision thereon shall be final and conclusive : Provided also, That no Assistant Commissioner shall be entitled to receive any remuneration for acting as such Officer so long as he shall be in the receipt of his Salary as Assistant Commissioner. 10 15 20 25 30

Appeal to
Secretary of
State for
Home De-
partment.

37.
Powers of
Collectors of
Rates trans-
ferred to Col-
lectors ap-
pointed by
Guardians.

And be it Enacted and Declared, That every person who shall be appointed under the provisions of the said first recited Act to collect the Poor Rates and other rates or monies of any District, Union or Parish, shall have the like powers and authorities for demanding and collecting, and for giving receipts and discharges for the same, or for so much thereof as he shall be so appointed to collect, and for applying or suing for recovery of any arrear or amount from time to time remaining unpaid of the same from all persons whomsoever as are by law vested in Overseers of the Poor or other persons having authority to collect the monies aforesaid, or any of them, under any general or local Act in force in the District, Union or Parish for which such Collector shall be appointed, but be subject in all cases to the rules, orders and regulations of the Poor Law Commissioners. 35 40

And

And be it Enacted, That whenever a Treasurer shall be appointed for any District, Union or Parish by virtue of the said first herein recited Act, all the Poor Rates and other rates and monies of such District, Union or Parish shall be paid to such Treasurer in such manner as the Poor Law Commissioners shall direct, and the receipt of such Treasurer shall be a sufficient discharge to the Overseers, Collector or other person paying the same ; and that it shall be lawful for the Poor Law Commissioners to direct in what manner the same shall be drawn from such Treasurer, or otherwise applied to the purposes to which the same shall respectively by law be applicable.

38.
Receipt of
Treasurer of
Union or
Parish a suffi-
cient dis-
charge to
Collector.

And be it Enacted, That every Relieving Officer or other person appointed by virtue of the said first recited Act, or of this Act, to perform the duties of an Overseer of the Poor, or any of them, shall be and is hereby authorized and empowered to execute in the Union, District or Parish for which he shall act, all such duties as he may be authorize to execute under the provisions of the said first recited Act, or so many of such duties as shall be specified or expressed in the order of the said Poor Law Commissioners directing the appointment of such Officer, as fully to all intents and purposes as the same may be executed by any ordinary Overseer of the Poor.

39.
Relieving
Officers to
have powers
of Overseers
as to their
duties under
4 & 5 W. 4.
c. 76. s. 46.

And be it Enacted, That where any Parish has already become or hereafter shall become part of a Union under any order of the Poor Law Commissioners, it shall be lawful for the Poor Law Commissioners, by order under their Seal, to declare that the offices and salaries of the several Assistant Overseers and other paid Officers of such parish shall cease at such time and in such manner as the said Commissioners shall direct.

40.
When Parish
becomes part
of Union,
office of
Assistant
Overseer, &c.
to cease.

And be it Enacted, That it shall be lawful for the Poor Law Commissioners, where they shall see fit, by order under their hands and seal, to add any Parish to any Union which shall have been or shall be hereafter formed by the Poor Law Commissioners under the provisions of the said first and secondly recited Acts, whether such Union be or be not a Union for settlement or rating ; but so nevertheless that no Parish be so added for the purposes of settlement or rating by virtue of such order ; and also to declare any Union so formed by the Poor Law Commissioners (except a Union for settlement or rating) dissolved, or to separate any Parish (unless the same shall form part of any Union for settlement or rating) from any such Union, and to vary the number of Guardians of such Union, or of any Parish forming part thereof, or added thereto or separated therefrom, as to the Poor Law Commissioners may seem fit, although the consent of the Guardians of such Union dissolved or affected by such addition, separation or ordination be not obtained in the manner prescribed by the said first recited Act : Provided always, That nothing herein contained shall affect or vary the rights of third persons

41.
Power to the
Poor Law
Commission-
ers to add Pa-
rishes to
Unions, and to
alter and re-
model Unions
formed by
them under
the provisions
of the Poor
Law Amend-
ment Act.

Reservation
of Rights of
third Parties.

persons having demands or claims upon any Union or Parish dissolved or affected by virtue of this provision, or of the provisions of the said first or secondly recited Act, or either of them.

42.

Union for Settlement and Rating to be deemed one Parish where added to other Parishes.

And be it Enacted, That where any Parish shall be added by the Poor Law Commissioners to a previously existing Union for settlement or rating, or both, then and in such case in calculating the averages and fixing the proportion of contribution to the common fund of such extended Union, as between such previously existing Union and added Parish, the Parishes forming such previously existing Union shall be deemed one Parish. 5 10

43.

Compensation to be made for Workhouse Property in forming, altering or dissolving Unions.

And be it Enacted, That in every case of the formation, alteration or dissolution of any Union, it shall be lawful for the Poor Law Commissioners to direct such compensation or allowance to be made by or to any Parish or Union affected thereby in respect of its Workhouse or other property taken for common use in such manner and proportions as to the Poor Law Commissioners may seem fit, and in every case where such Workhouse or other property shall not be required for common use, the same may be sold or otherwise disposed of for the permanent benefit of the Union or Parish entitled thereto, as the said Commissioners shall direct. 15 20

44.

Power to direct Parishes and Unions to contract under 9 G. 1. c. 7. s. 4.

AND whereas the Workhouses of Parishes or Unions are in some instances larger than is required for the poor belonging to such Parishes or Unions respectively, and the expense of keeping up the same would be diminished if the Overseers or Guardians of other Parishes or Unions were allowed to contract with the Overseers or Guardians of such first mentioned Parishes or Unions respectively, for the maintenance of their poor therein, in like manner as the Churchwardens and Overseers of Parishes are allowed to contract with the Churchwardens and Overseers of any other Parish, in and by an Act passed in the ninth year of the reign of his late Majesty King GEORGE the First, intituled, " An Act for amending the Laws relating to the Settlement, Employment and Relief of the Poor ;" BE it Enacted, That in any case where it shall appear to the Poor Law Commissioners that there is sufficient room in a Workhouse of any Parish or Union, it shall be lawful for the Poor Law Commissioners, if they see fit, to direct that the Guardians or Overseers of any such Parish or Union possessing such Workhouse may contract with the Overseers or Guardians of any other Parish or Union, for the lodging, maintaining or employing in such Workhouse of any poor person belonging to such last mentioned Parish or Union requiring such accommodation, and in every such case the provisions of the said recited Act of the ninth year of his said late Majesty King GEORGE the First, as to any person refusing to be lodged, maintained and employed in any such Workhouse, shall be as applicable as if the contract for his being so lodged, maintained and employed were 25 30 35 40

Parishes or Unions having Workhouse may enter into Contracts for receiving the Poor of other Parishes or Unions.

were

were made under the said last-mentioned Act: Provided always, That in every such case the amount of rent or other compensation or payment to be made under such contract shall be fixed by, and shall at all times be subject to, the control and regulation of the
 5 Poor Law Commissioners; and every poor person received under such contract shall be subject to the order and disposition of the Overseers or Guardians of the Parish or Union to which such Workhouse shall belong, saving nevertheless to the Overseers or Guardians of the Parish or Union liable to maintain or relieve such
 10 poor person, the right, at all reasonable times, but subject to the regulations of the Poor Law Commissioners, of visiting such poor person in such Workhouse, and of removing him therefrom.

And be it Enacted, That it shall be lawful for the Poor Law Commissioners to direct that a Ward be set apart and main-
 15 tained for Lunatic Insane and Idiot Paupers, in the Workhouse of any Union or Parish, or to unite two or more Parishes, or combine two or more Unions for the purpose of having and maintaining a common Ward or Wards for such Paupers in any Workhouse belonging to any one of such Unions or Parishes; and
 20 in case any Lunatic, Insane or Idiot Pauper becoming an inmate of such Ward shall be possessed of any means of maintaining himself, such means shall be applicable towards his maintenance in such Workhouse, and the same shall be recoverable before any Justice of the Peace upon application by or on behalf of the Guardians or
 25 Overseers of the Union or Parish otherwise liable to the maintenance of such Lunatic, Insane or Idiot Pauper, against any person withholding the same, in like manner as penalties are recoverable under the said first recited Act or this Act; and every person making payment of the property of such Lunatic, Insane or Idiot Pauper, upon any
 30 such application to him as aforesaid for such purpose, is hereby indemnified for making the same: Provided always, That no Ward shall be used for such purposes until the same has been duly licensed for the reception of Insane Persons by the persons and in the manner provided by an Act passed in the second and third years of the
 35 reign of His present Majesty, intituled, "An Act for regulating for Three Years, and from thence until the end of the then Session of Parliament, the Care and Treatment of Insane Persons in England," or of any Act to amend or extend the same: Provided also, That such Ward and the Workhouse of which it form a part, shall
 40 at all times be open to the visits and inspection of Justices, and of the inspectors of houses for the reception of insane persons, according to the provisions of the said Act, or of an Act passed in the ninth year of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act to amend the Laws for
 45 the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care of Pauper and Criminal Lunatics in England," or of any Act to extend or amend the same.

45.
 Wards to be set apart for Lunatic, Insane and Idiot Paupers.

Wards to be licensed under 2 & 3 Will. IV. c. 107.

And to be visited by Justices and Inspectors under 2 & 3 Will. IV. c. 107, and 9 Geo. 4, c. 40.

46.
License of
Lunatic
Wards
exempted from
Stamp Duty.

And be it Enacted, That such License, and every Certificate and matter connected therewith, shall be exempt from Stamp Duty.

47.
Power for
Commis-
sioners, with
consent of
Owners of
Property and
Rate Payers,
to place Paro-
chial Trusts
undermanage-
ment of Board
of Guardians
of any Parish.

And be it Enacted, That when the administration of the Laws for the relief of the Poor in any Parish is or shall be under the management of a separate Board of Guardians appointed under the provisions of the said first and secondly recited Acts, or either of them, or of this Act, it shall be lawful for the Poor Law Commissioners, by order under their hands and seal, with the consent of the owners of property and rate-payers in such Parish, to be ascertained in manner provided by the said first recited Act and this Act, to place under the management and conduct of the Guardians of such Parish all or any of such other parochial trusts, matters and property as shall theretofore have been managed and conducted by any Vestry or Board of Guardians, Trustees or Managers, or by the Officers of such parish, under any General or Local Act in force in such parish at the time of such consent being given; and from the time of such order being so made as aforesaid, such Guardians shall to all intents and purposes be the managers and conductors of the trusts, matters and property so placed under their management and conduct, and all the provisions, powers and authorities touching or relating thereto, or to the collection, recovery, receipt or expenditure thereof, or of the rates connected therewith, shall exclusively vest in such Guardians; provided that in every such case the trusts, matters and property so placed under the management of such Guardians, and all accounts connected therewith, shall be subject to the like control as to the auditing, examining, allowing or disallowing of the same as is given to or vested in Auditors of Accounts in or by the said first recited Act or this Act.

48.
Trusts for
setting Poor
on work to be
subject to
Rules of Poor
Law Com-
missioners.

And be it Enacted, That in any case where any trust may have been created or declared, or bequest made, or property in any way applied, settled, set apart, vested or accumulated, for any purposes connected with the relief or employment of the poor generally of any Parish, and the Trustees for the time being (if any), or a majority of such Trustees, shall be desirous to place such trust, bequest or property under the jurisdiction of the Poor Law Commissioners, and shall give their consent thereto in writing, then and in every such case the application, distribution and disposal of such property and fund, and the poor persons to receive the same, or the proceeds thereof, and also the Trustees thereof, so far as regards such application, distribution and disposal, and the accounting for the due application of the same, shall thenceforward be subject to the rules, orders and regulations of the Poor Law Commissioners; and it shall be lawful for the Poor Law Commissioners, with the like consent to direct and allow the appropriation of such property or fund, or any part thereof,

thereof, for the purpose of procuring any site for a Workhouse, or for erecting or enlarging any building thereon for the purpose of a Workhouse, or otherwise disposing of the same, in like manner and for such purposes as Workhouse property or the proceeds thereof may be used or applied under the provisions of the said first and secondly recited Acts, or this Act, or either or any of them, for the permanent benefit and use of such Parish; any thing in an Act of Parliament passed in the thirty-ninth year of the reign of Queen ELIZABETH, intituled, "An Act for erecting of Hospitals or abiding and working Houses for the Poor," or of any Act to revive, amend or extend the same, or in any other Act of Parliament to the contrary notwithstanding: Provided always, That nothing herein contained shall extend to render any such consent necessary, where such property is vested wholly in the Churchwardens and Overseers, or Overseers only, or the Guardians of any such Parish, or where the same, if consisting of land or buildings, has been already used or appropriated either wholly or in part as a Workhouse for the reception, employment or relief of the Poor of such Parish, in which case such land and buildings shall be deemed a Workhouse, to be held and used under the provisions of the said first and secondly recited Acts and this Act, and be subject to the rules, orders and regulations of the Poor Law Commissioners accordingly.

AND whereas it is desirable to provide employment and situations for Orphan and other Children resident in Workhouses, or who have not the means of procuring employment themselves, and it would be highly beneficial that they should be allowed to move from one part of His Majesty's Dominions to another, but by reason of the expense and difficulty of moving, and of the restrictions of settlement in Parishes, such Children are often detained in places where they cannot find work, and are brought up to idleness and pauperism; BE it Enacted, That it shall be lawful for the Poor Law Commissioners from time to time to make rules, orders and regulations for the removal of such Children, and for their being duly taken care of in removing and journeying to and from any place for the purpose of being provided with employment, and of being properly maintained at the expense of the Parishes to which they respectively belong, until fit and proper situations be found for them; and so much of an Act passed in the seventh year of the reign of his said late Majesty King GEORGE the Third, intituled, "An Act for the better Regulation of Parish Poor Children of the several Parishes therein mentioned within the Bills of Mortality," as is repugnant or contrary to this provision, is hereby for the purposes of this Act repealed: Provided always, That no such child, if under the age of sixteen, shall be removed without the consent of his parents or surviving parent (if any): Provided also, That no such rules, orders and regulations shall have any effect until they shall have been submitted to one of His Majesty's

49.
Provision for
migration of
Children.

Rules to be
dealt with as
general Rules.

Principal Secretaries of State, and the same shall in every respect be dealt with according to the provisions of the said first recited Act, or of this Act, relating to general rules.

50.

Contracts for hiring and service of poor Children to be as valid as apprenticeship.

And be it Enacted, That after any such Rules, Orders and Regulations shall be in force in that respect, it shall be lawful for the 5
Guardians of any Union or Parish, or the Overseers of any Parish not governed by a Board of Guardians, by themselves respectively, or by any Agent authorized by the Poor Law Commissioners to act as such Agent, such Guardians, Overseers and Agent acting respectively under the authority of the Poor Law Commissioners, to 10
enter into any Contract of hiring and service with any Person willing to take into his employ any poor Child who shall be a minor, but above the age of Thirteen Years at the time of such Contract, for the services of such Child, such Contract to be for any period not exceeding *Three* Years, which Contract shall be as binding 15
and effectual in the Law, to all intents and purposes, as if such Child had been bound by virtue of any Statute now in force respecting the binding of Parish Apprentices, or as if such Child were of full age, and had bound himself an Apprentice; and every such Contract shall be cognizable by, and such Child, and the 20
Person with whom such Contract is made, shall be subject to the jurisdiction of, the Justices acting in and for the Division where such Child shall be actually employed, or shall reside during the continuance of such Contract; and such Justices shall have the like power and authority to inquire into and examine, hear and 25
determine all Claims of such Child upon, and all complaints of hard or ill usage towards such Child exercised by such Person, or of misbehaviour on the part of such Child, and to make such order therein as they are empowered by law to do in cases between Masters and Apprentices: Provided always, That the assent and consent, order 30
or allowance of Justices shall not be necessary to the making or validity of such Contract, and the same shall not be assigned or transferred except by the consent and under the authority of the Poor Law Commissioners: Provided also, That no such Contract shall continue in force after such Child shall attain Twenty- 35
one years, unless such Child shall, at the time when the same shall be entered into, or at any subsequent time, consent in writing to its continuing longer: Provided also, That no settlement shall be acquired by reason of such Contract for hiring and service, or of any residence under the same. 40

No settlement to be acquired under such Contract.

51.

Repeal of 56 Geo. 3, c. 39, s. 1.

And be it further Enacted, That so much of an Act passed in the fifty-sixth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to regulate the Binding of Parish Apprentices," as provides that no child shall be bound apprentice by the Overseers of the Poor of any Parish, Township or place, to any person residing or having any establishment in trade at which it is intended

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intended that such child shall be employed, out of the same County, or at a greater distance than *Forty* Miles from the Parish or place to which such child shall belong, shall, as to every child who shall be the subject of any contract for binding according to the provision last
5 hereinbefore contained, be and the same is hereby repealed.

AND whereas doubts have arisen as to the construction of the ninety-fifth Section of said first recited Act ; BE it Enacted and Declared, That in case any Overseer, Assistant Overseer, Master of a Workhouse, or other officer of any Parish or Union shall wilfully
10 disobey any legal and reasonable Order of any Justice or Board of Guardians in carrying the Rules, Orders or Regulations of the Poor Law Commissioners, or Assistant Commissioners, or the provisions of the said first and secondly recited Acts, or either of them, or of this Act, into execution, every such offender shall, upon conviction before any
15 *Two* Justices, forfeit and pay for every such offence any sum not exceeding *Five* Pounds, as such Justices shall think fit ; and that such conviction shall not exempt such Overseer, Assistant Overseer, Master of a Workhouse, or other officer, from any penalty or forfeiture he may incur or be liable to under the ninety-eighth Section of the
20 said first recited Act.

52.
Amendment
of 95th
Section of
Poor Law
Act.

AND whereas doubts have arisen as to what extent and in what manner the penalties imposed by the said first recited Act on any person who shall wilfully neglect or disobey any of the rules, orders or regulations of the Poor Law Commissioners, or Assistant Com-
25 missioners, or be guilty of any contempt of the Poor Law Commissioners sitting as a Board are applicable, and may be inflicted on any Guardian in respect of any neglect or act of any Board of Guardians ; BE it Declared and Enacted, That in case any Guardian, whether as a Member of a Board of Guardians or not, or in case
30 any Guardians acting as a Board shall wilfully neglect or disobey any of the rules, orders or regulations of the Poor Law Commissioners, or of any Assistant Commissioner, or be guilty of any contempt of the Poor Law Commissioners sitting as a Board, every such Guardian and every Member of such Board present, when any
35 such penalty shall have been incurred, (except as hereinafter is mentioned) is and shall be liable to the penalties imposed by the said first recited Act in cases of wilful neglect, disobedience or contempt of such Commissioners or Assistant Commissioner respectively: Provided always, That no Guardian who shall, as a Member of
40 such Board, have voted against the act or neglect in respect of which such penalty shall have been incurred, shall be liable to any penalty in respect of any such act.

53.
Declaration
as to Penalties
on Guardians.

No Penalty
to attach on
Guardians
attending
and voting
in minority.

And be it Enacted, That every person who shall have attended and acted as a Member of any Board of Guardians elected under the provision of the said first recited Act or this Act for *One*

54.
Guardian who
shall have at-
tended Four-
fifths of Meet-

ings of Board
exempt from
Parish Offices
for ensuing
year.

Record of
Attendances
to be kept.

Person mak-
ing false entry
or alteration
guilty of Mis-
demeanor.

55.
Penalties may
be proceeded
for in Name
of Guardians.

entire year of office, ending at the period of the annual re-election of such Board, or of any part of such Board at not less than Four-fifths of the Meetings of the Board during such year, and who shall not have incurred any penalty for any neglect, disobedience or contempt as aforesaid during such year, shall be exempt from every Parish Office in the Parish for which he shall have so acted as Guardian for *One* whole year next following such year of office ; and every Board of Guardians shall and they are hereby required to keep a Book, in which the date of every Meeting of such Board, the name of every Guardian attending the same, and the hours of his attendance, as also of the divisions of such Guardians, showing the names of those who voted for or against any question brought before such Board of Guardians, shall be faithfully recorded ; and such record shall be signed at such Meeting by the Chairman and Clerk of such Board, and when so signed shall be evidence of such attendance and divisions respectively, and shall be received as such in any question as to the incurring of any penalty by any such Guardians for wilful neglect, disobedience or contempt of the said Commissioners or Assistant Commissioner ; and at the end of each year of office the same or a true copy thereof shall be transmitted by such Clerk to the Poor Law Commissioners, who shall give such publicity to the same and of the attendance of the Members of such Board of Guardians as to them may seem fit, and such Commissioners shall, on being required by any Member of such Board, give to such Member, in such form as they shall think fit, a Certificate under their seal of his attendances during such year of office as appearing by such record, and such Certificate shall be sufficient evidence of any claim of the person named therein to exemption from Parish Offices as aforesaid for the period aforesaid : Provided always, That any person making any false entry or erasure in such Book shall be deemed guilty of a *Misdemeanor*.

And be it further Enacted, That all informations, complaints and other proceedings instituted by or on behalf of the Guardians of any Union or Parish as such Guardians for the recovery of any monies due to such Union or Parish, or any penalties imposed by the said first recited Act, or by this Act, or which shall be due or incurred under the said first and secondly recited Acts or this Act or any of them, may be taken in the name of such Guardians by their corporate description, or on the behalf of such Guardians, by and in the name of their Clerk for the time being ; and where such Guardians have the power under the said recited Acts or this Act, or either or any of them, to direct the Overseers of the Poor or other Officers of such Union or Parish to take such proceedings, such proceedings may, if the Guardians shall see fit, be taken in the name of such Guardians or of their Clerk in manner aforesaid, but subject in all cases to the rules, orders and regulations of the Poor Law Commissioners.

AND

505

AND for the better protection of relieving Officers and others acting under any lawful order of the Poor Law Commissioners, or Assistant Commissioners, or of the Guardians of any Union or Parish, and enabling them to perform their respective duties ; BE it
 5 Enacted, That every person so acting shall, in addition to the protection provided by the said first recited Act, have the like powers, remedies and protection in carrying such order into effect, or in defending any action, suit or indictment arising out of such orders as are now by law given to Constables or their Assistants acting in the
 10 discharge of their respective duties.

56.
 Officers to have the power and protection of Constables.

And be it Enacted, That from and after the *passing of this Act* every general rule of the Poor Law Commissioners shall be and continue in force on and from the *Fifteenth* day after the same shall have been sent, signed and sealed by the Poor Law Commissioners, to
 15 one of His Majesty's Principal Secretaries of State, unless disallowed in manner prescribed by the said first recited Act ; and every order of the said Commissioners for the dismissal of any paid Officer of any Parish or Union, or for the production of any books, contracts, agreements, accounts, writings or other documents or copies thereof
 20 respectively, shall be in force immediately after the same shall have been received by or served upon the Guardians, or their Clerk, or the Overseers of such Parish or Union, or by or upon the person to whom the same shall have been addressed ; and every rule, order or regulation of the Poor Law Commissioners which shall be merely a verbal or
 25 clerical amendment of any rule, order or regulation which shall not have come into operation, shall be in force at the time when the rule, order or regulation thereby amended shall come in force ; and every rule, order or regulation of the Poor Law Commissioners which shall be merely a verbal or clerical amendment of any rule, order or regula-
 30 tion then already in operation, shall come in force immediately ; and every other rule, order or regulation of the Poor Law Commissioners which by the first recited Act would require fourteen days before the same would have been in force, shall be in force on the expiration of *Seven Days* after the written or printed copy of the same
 35 shall have been sent by the Poor Law Commissioners sealed or stamped, and addressed as in the said first recited Act is mentioned.

57.
 Period to elapse before Rules come in force.

And be it Enacted, That so much of the said recited Acts, or either of them, or of any General or Local Act, as is repugnant to the provisions of this Act, shall be and the same is hereby repealed.

58.
 Repeal of parts of Acts repugnant to this Act.

567

doth [or, do] grant, convey and dispose of [or, surrender and assure] unto the said

his heirs and assigns [or, their successors and assigns], all [parcels] with the appurtenances ; To hold the same unto the said

his heirs and assigns [or, their successors and assigns] in exchange for the hereditaments by the said

hereinafter granted and conveyed, [or, surrendered and assured] ; and that in consideration of the Conveyance hereinbefore contained, he [or, they] the said

doth [or, do] grant, convey and dispose of [or, surrender and assure] unto the said his heirs and assigns [or, their successors and assigns] all [parcels] with the appurtenances ; To hold the same unto the said

his heirs and assigns [or, their successors and assigns], in exchange for the hereditaments by the said

hereinbefore granted and conveyed [or, surrendered and assured]. In witness whereof the said

hath [or, have] hereto set his hand and seal, [or, their seal], and the said

hath [or, have] hereto set his hand and seal [or, their seal.]



The Seal of the Poor Law Commissioners.

FORM of EXCHANGE where MONEY is not paid.

THIS Deed, made the day of One thousand eight hundred by virtue of the Poor Law Amendment Acts, witnesseth, That in consideration of the Conveyance hereinafter contained

of doth [or, do] grant, convey and dispose of [or, surrender and assure] [or, assign and transfer] unto of his heirs and assigns [or, their successors and assigns], all [parcels] with the appurtenances ; To hold the same unto the said

his heirs and assigns [or, their successors and assigns], in exchange for the hereditaments by the said hereinafter granted and conveyed [or, surrendered and assured] ; and that in consideration of the conveyance hereinbefore contained, he [or, they] the said

doth [or, do] grant, convey and dispose of [or, surrender and assure] unto the his heirs and assigns [or, their successors and assigns] all [parcels] with the appurtenances ; To hold the same unto the said

his heirs or assigns [or, their successors and assigns], in exchange for the hereditaments by the said

hereinbefore granted and conveyed [or, surrendered and assured]. In witness whereof, the said

hath [or, have] hereto set his hand and seal [or, their seal], and the said

hath [or, have] hereto set his hand and seal [or, their seal.]



The Seal of the Poor Law Commissioners.

FORM of TRANSFER.

THIS Deed, made the day of in the year
 one thousand eight hundred by virtue of the
 Poor Law Amendment Acts, witnesseth, That in consideration of
 the sum of to of
 [or, to the Secretary of the Exchequer Bill Loan Commissioners],
 paid by of [or, by the Secretary of the Exchequer
 Bill Loan Commissioners], he the said doth assign
 and transfer to the said his executors, administrators
 or assigns, [or, their successors and assigns], all the sum of
 now remaining secured to the said under a security
 dated the day of and made between
 and the interest due and to grow due thereon from the
 day of and all benefit of the said security,
 to hold the same unto the said his executors, admi-
 nistrators and assigns, [or their successors and assigns.] In witness
 whereof he the said hath hereto set his hand and seal.

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Poor Law Amendment.

A

B I L L

To facilitate the Administration of the Poor
Laws in England and Wales.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Lord John Russell.)

Ordered, by The House of Commons, to be Printed,
12 July 1836.

571

A

B I L L

To regulate Parochial Assessments.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREAS it is desirable to establish one uniform mode of rating for the Relief of the Poor throughout England and Wales, and to lessen the Cost of Appeal against an unfair Rate; **BE** it **E**nacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the Board of Guardians of every Union formed, or which may hereafter be formed, under the provisions of the Act passed in the fourth and fifth year of His present Majesty, intituled, "An Act for the Amendment of the Laws for the Relief of the Poor in England and Wales," shall, on or before the *Twenty-first* day of *March* next after the *passing of this Act* (or in the case of those Unions which shall be constituted after that day, then within *Thirty* Days of the time of their constitution), proceed to elect and appoint *One* or more Officers for such Union, to make, assess, levy and collect the Poor Rate in the several Parishes of the said Union, or in so many of the said Parishes as the said Guardians shall think fit; and such Officer shall be called the Parochial Rate Collector; and from and after the appointment of such Officer, all Rates for the Relief of the Poor shall be made, assessed, levied and collected by the said Rate-Collector in the several Parishes to which he is appointed as aforesaid, in the place of the Churchwardens or Overseers of the said several Parishes; and all the powers, authorities, duties and liabilities now by law vested in the Churchwardens and Overseers of such Parishes, for the making, assessing, levying, collecting or recovering

Preamble.

1.
Parochial
Rate-Col-
lector to be
appointed in
every Union.

Subject to the
directions
therein of the
Poor Law
Commis-
sioners.

such Rates, and with respect to every other matter or thing concerning such Rates, shall be and are hereby vested in and upon the said Collector when so appointed, and the said Churchwardens and Overseers are thenceforward discharged therefrom: Provided always, That in the appointment of such Collector or Collectors the Board of Guardians shall follow such rules and regulations as may be prescribed to them by the Poor Law Commissioners of England and Wales with respect to the number and qualifications of such Collectors, and the amount and nature of the security that shall be required of them, and of the payment or salary that shall be made to them; and the said Poor Law Commissioners shall be and hereby are authorized to issue rules and regulations for the aforesaid purposes, and likewise at any time, when they shall think fit, to dismiss any such Collector from his office, and to direct the Board of Guardians to proceed to the election of another in his place.

2.

All Rates to
be made on
the net annual
value of
Property.

And be it further Enacted, That from and after the *Twenty-first* day of *March* next, after the *passing of this Act*, no Rate for the Relief of the Poor in England and Wales shall be allowed by any Justices, or be of any force, which shall not be made upon an estimate of the net annual value of the several hereditaments rated thereunto, that is to say, of the rent at which the same might be let from year to year, deducting therefrom the probable average annual cost of the repairs or other expenses necessary to maintain them in a state to command such rent.

3.

Rates to be
made in a
given form.

And be it further Enacted, That every such Rate made after the said *Twenty-first* day of *March* shall be made in the Form given in the Schedule to this Act annexed, and shall contain an account of every particular set forth at the head of the respective columns in that Form; and the Collector, or where no Collector has been appointed, the Churchwardens and Overseers, shall, before the Justices by whom the Rate is allowed, sign the declaration given at the foot of the said Form, and otherwise the said Rate shall be of no force or validity.

4.

Justices in
Special Petty
Session to hear
complaints.

And be it Enacted, That the Justices acting in and for every Petty Sessions Division shall, *Four* times at least in every year, hold a Special Sessions for hearing appeals against the Rates of the several Parishes within their respective divisions, and shall cause public notice of the time and place when and where such Special Sessions will be holden, to be given in every Parish Church of the said Parishes, *Fourteen* Days at the least before the holding of the same; and such Special Sessions shall and may be adjourned from time to time by the Justices there present, as they may think fit; and at such Special or adjourned Sessions the Justices there present shall hear and determine all objections to any such Rate on the ground of inequality, unfairness or incorrectness

incorrectness in the valuation of any hereditaments included therein :
 Provided always, That no such objection shall be inquired into by the
 said Justices, unless notice of such objection in writing, under the hand
 of the Complainant, shall have been given *Seven Days* at least before
 5 the day appointed for such Special Session to the Collector, Overseers
 or other Persons by whom such Rate was made : Provided also, That
 the said Justices, in Special Session shall not be authorized to inquire
 into the liability of any hereditaments to be rated, but only into the
 true value thereof, and into the fairness of the amount at which the
 10 same shall have been rated.

And be it Enacted, That the Justices present at any such Special
 or adjourned Session shall, for the aforesaid purpose, have all the
 powers of amending or quashing any such Rate so objected to of any
 Parish or other District within their Division, and likewise of awarding
 15 costs to be paid by or to any of the parties, and of recovering such
 costs, which any Court of Quarter Sessions of the Peace has upon
 appeals from any such Rate, except as herein excepted : Provided
 always, That no order of the said Justices shall be removed by certiorari
 or otherwise into any of His Majesty's Courts of Record at West-
 20 minster : Provided also, That nothing in this Act contained shall be
 construed to deprive any Person or Persons of the right to appeal
 against any Rate to any Court of General or Quarter Sessions : Pro-
 vided also, That no order of the said Justices in Special Session shall
 be of any force pending any Appeal to the Court of General or Quarter
 25 Sessions of the Peace having jurisdiction to try such Appeal, or in
 opposition to the order of any such Court upon such Appeal.

5.
 Justices may
 act with all
 the Powers of
 Justices in
 Quarter Ses-
 sions.

And be it Enacted, That this Act shall extend only to England and
 Wales.

6.
 Act to extend
 only to
 England and
 Wales.

And be it further Enacted, That this Act may be repealed or
 amended by any Act which shall be passed in this Session.

7.
 Act may be
 repealed or
 amended this
 Session.

SCHEDULE to which this Act refers.

FORM OF RATE.

AN ASSESSMENT for the RELIEF of the Poor of the Parish of Merton, in the County of Surrey, and for other Purposes, chargeable thereon according to Law, made this Thirtieth day of March, in the Year of our Lord One thousand eight hundred and thirty-seven, after the Rate of SIXPENCE in the Pound.

No.	Arrears due, or if excused.	NAME of Occupier.	NAME of Owner.	DESCRIPTION of Property rated.	NAME or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.	RATE at 6 d. in the Pound.
1.	£. s. d. - - -	James Smith	John Green	{ - Land and build- ings - - - }	Whiteacre Farm -	A. R. P. 40 - -	£. s. d. 60 - -	£. s. d. 55 - -	£. s. d. 1 7 6
2.	- - -	- ditto	- ditto	House and garden	In West-street -	- 1 - -	30 - -	25 - -	- 12 6
3.	{ - - - 7 ½ Excused.	John Poor	- ditto	House	In Brick-lane -	- - -	1 10 -	1 5 -	- - 7 ½
&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.

DECLARATION of OVERSEER or COLLECTOR.

WE, [or, I] do declare the several particulars specified in the respective Columns of the above Rate to be true and correct, so far as We [or, I] have been able to ascertain them, to which end We [or, I] have used our [or, my] best endeavours.

John Thomas, Rate Collector.
Thomas Jones, Overseer, [or, Churchwarden.]

Poor Rates.

A

B I L L

To regulate Parochial Assessments.

(Prepared and brought in by
Mr. Poulett Scrope and Mr. Greene.)

Ordered, by The House of Commons, to be Printed,
14 March 1836.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To regulate Parochial Assessments.

WH **E**R **E**A **S** it is desirable to establish one uniform mode of rating for the Relief of the Poor throughout *England* and *Wales*, and to lessen the Cost of Appeal against an unfair Rate ;

Preamble.

BE **i**t **E**nacted, by The KING'S most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the Twenty-first day of March next after the passing of this Act, no Rate for the Relief of the Poor in *England* and *Wales* shall be allowed by any Justices, or be of any force, which shall not be made upon an estimate of the net annual value of the several hereditaments rated thereunto ; that is to say, of the rent at which the same might reasonably be expected to let from year to year, deducting therefrom the probable average annual cost of the repairs, insurance and other expenses, if any, necessary to maintain them in a state to command such rent.

1.
All Rates to be made on the net annual value of Property.

And be it further Enacted, That every such Rate made after the said Twenty-first day of March shall be made in the Form given in the Schedule to this Act annexed, and shall contain an account of every particular set forth at the head of the respective columns in that Form ; and the Churchwardens and Overseers or other Officers whose duty it may be to make and levy the said Rate, shall, before the Rate is allowed by the Justices, sign the declaration given at the foot of the said Form, and otherwise the said Rate shall be of no force or validity : Provided always, That nothing herein contained shall be construed to prevent the Owners of Tenements from compounding for the Rates to be assessed on the same, in such manner as they were by any Statute or Statutes enabled to do before the passing of this Act, so that the gross estimated Rental of the Hereditaments compounded for, be entered on the Rate in the proper Column.

2. /
Rates to be made in a given form.

And

3.
Justices in
Special Petty
Session to hear
complaints.

And be it Enacted, That the Justices acting in and for every Petty Sessions Division shall, Four times at least in every year, hold a Special Sessions for hearing appeals against the Rates of the several Parishes within their respective divisions, and shall cause public notice of the time and place when and where such Special Sessions will be holden, 5
to be given in every Parish Church of the said Parishes, Fourteen Days at the least before the holding of the same ; and such Special Sessions shall and may be adjourned from time to time by the Justices there present, as they may think fit ; and at such Special or adjourned Sessions the Justices there present shall hear and determine all objec- 10
tions to any such Rate on the ground of inequality, unfairness or incorrectness in the valuation of any hereditaments included therein : Provided always, That no such objection shall be inquired into by the said Justices, unless notice of such objection in writing, under the hand 15
of the Complainant, shall have been given Seven Days at least before the day appointed for such Special Session to the Collector, Overseers or other Persons by whom such Rate was made : Provided also, That the said Justices in Special Session shall not be authorized to inquire into the liability of any hereditaments to be rated, but only into the true value thereof, and into the fairness of the amount at which the 20
same shall have been rated.

4.
Justices may
act with all
the Powers of
Justices in
Quarter Ses-
sions.

And be it Enacted, That the Justices present at any such Special or adjourned Session shall, for the aforesaid purpose, have all the powers of amending or quashing any such Rate so objected to of any Parish or other District within their Division, and likewise of awarding 25
costs to be paid by or to any of the parties, and of recovering such costs, which any Court of Quarter Sessions of the Peace has upon appeals from any such Rate, except as herein excepted : Provided always, That no order of the said Justices shall be removed by *certiorari* or otherwise into any of His Majesty's Courts of Record at *West-* 30
minster : Provided also, That nothing in this Act contained shall be construed to deprive any Person or Persons of the right to appeal against any Rate to any Court of General or Quarter Sessions : Pro-
vided also, That no order of the said Justices in Special Session shall be of any force pending any Appeal to the Court of General or Quarter 35
Sessions of the Peace having jurisdiction to try such Appeal, or in opposition to the order of any such Court upon such Appeal.

5.
Act to extend
only to
England and
Wales.

And be it Enacted, That this Act shall extend only to *England* and *Wales*.

6.
Act may be
repealed or
amended this
Session.

And be it further Enacted, That this Act may be repealed or 40
amended by any Act which shall be passed in this Session.

SCHEDULE to which this Act refers.

FORM OF RATE.

AN ASSESSMENT for the RELIEF of the POOR of the Parish of *Merton*, in the County of *Surrey*, and for other Purposes, chargeable thereon according to Law, made this Thirtieth day of March, in the Year of our Lord One thousand eight hundred and thirty-seven, after the Rate of SIXPENCE in the Pound.

No.	Arrears due, or if excused.	NAME of Occupier.	NAME of Owner.	DESCRIPTION of Property rated.	NAME or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.	RATE at 6d. in the Pound.
1.	£. s. d. - - -	James Smith	John Green	{ - Land and build- ings - - - }	Whiteacre Farm -	A. R. P. 40 - -	£. s. d. 60 - -	£. s. d. 55 - -	£. s. d. 1 7 6
2.	- - -	- ditto	- ditto	House and garden	In West-street -	- 1 -	30 - -	25 - -	- 12 6
3. &c.	{ - - - 7 ½ Excused. &c.	John Poor &c.	- ditto &c.	House &c.	In Brick-lane &c.	- - - &c.	1 10 - &c.	1 5 - &c.	- - 7 ½ &c.

DECLARATION of OVERSEERS and CHURCHWARDENS.

WE, do declare the several particulars specified in the respective Columns of the above Rate to be true and correct, so far as We have been able to ascertain them, to which end We have used our best endeavours.

Thomas Jones, Overseer.
John Thomas, [Churchwarden, &c. &c.]

Poor Rates.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To regulate Parochial Assessments.

(Prepared and brought in by
Mr. Poulett Scrope and Mr. Greene.)

*Ordered, by The House of Commons, to be Printed,
6 May 1836.*

13 August 1836.—7 WILL. IV.



A

B I L L

To regulate Parochial Assessments.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREBY it is desirable to establish one uniform mode of rating for the relief of the Poor throughout England and Wales, and to lessen the cost of Appeal against an unfair rate ; **B**E it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT from and after such period, not being earlier than the *Twenty-first* day of *March* next after the *passing of this Act*, as the Poor Law Commissioners shall by any Order under their seal of office direct, no rate for the relief of the Poor in England and Wales shall be allowed by any Justices, or be of any force, which shall not be made upon an estimate of the net annual value of the several hereditaments rated thereunto ; (that is to say) of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes, and Tithe Commutation rent-charge, if any, and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain them in a state to command such rent : Provided always, That nothing herein contained shall be construed to alter or affect the principles or different relative liabilities (if any) according to which different kinds of hereditaments are now by law rateable.

Preamble.

1.

All Rates to be made on the net annual value of Property.

2.

Rates to be made in a given Form.

And be it further Enacted, That every such rate made after the said period shall, in addition to any other particular which the form of making out such rate shall require to be set forth, contain an

account of every particular set forth at the head of the respective columns in the Form given in the Schedule to this Act annexed, so far as the same can be ascertained; and the Churchwardens and Overseers, or other Officers whose duty it may be to make and levy the said rate, or such a number of the said Churchwardens and Overseers or other Officers as are competent to the making and levying of the same, shall, before the rate is allowed by the Justices, sign the Declaration given at the foot of the said Form, and otherwise the said rate shall be of no force or validity: Provided always, That nothing herein contained shall be construed to prevent the owners of tenements from compounding for the rates to be assessed on the same, in such manner as they were by any statute or statutes enabled to do before the *passing of this Act*, so that the gross estimated rental of the hereditaments compounded for be entered on the rate in the proper column.

3.
Power to order
new Survey
and Valuation.

And be it Enacted, That when it shall be made to appear to the Poor Law Commissioners that a fair and correct estimate for the aforesaid purposes cannot be made without a new Valuation, it shall be lawful for the Poor Law Commissioners, where they shall see fit, with the consent of the Guardians of any Union or Parish, testified by writing under the common seal of such Guardians, to order a Survey, with or without a Map or Plan, on such scale as they shall think fit, to be made and taken of the messuages, lands and other hereditaments liable to Poor Rates in such Parish, or in all or any one or more Parishes of such a Union, and a Valuation to be made of the said messuages, lands and other hereditaments according to their annual value, and to direct such Guardians to appoint a fit person or persons to make and take every such Survey, Map or Plan, and Valuation, and to make provision for paying the costs of every such Survey, Map or Plan, and Valuation, either by a separate rate or by a charge on the Poor Rates, as they may see fit; but in case of such charge being made, then provisions shall be made for paying off not less than *One-fifth* of the sum charged on the rates, and such interest as may from time to time be payable in respect of such charge, or any part thereof, in each succeeding year, till the whole is repaid.

4.
Power for
Surveyors to
enter and
examine
Lands, &c. for
purposes of
Survey and
Plans.

And be it further Enacted, That for the purpose of making every such Survey, Map or Plan, and Valuation, it shall be lawful for the person or persons so to be appointed for making the same respectively, together with their and every of their Assistants and Servants, at all reasonable times, until the same respectively shall be completed, to enter, view and examine, survey and admeasure, all and every part of the messuages, lands and other hereditaments aforesaid, and to do or cause to be done any act or thing necessary for making

making such Survey, Map or Plan, and Valuation: Provided always, That any Map or Survey made previously to the appointment of such person or persons, which shall be tendered to him or them, and which shall be in his or their judgment and to his or
 5 their satisfaction a just and true Map or Survey, proper for the purposes aforesaid, may be used for such purposes.

And be it further Enacted, That it shall be lawful for any person or persons rated to the relief of the poor of the parish in respect of which any rate shall be made, at all seasonable times, to take copies
 10 thereof or extracts therefrom without paying any thing for the same, any thing in any Act of Parliament to the contrary notwithstanding; and in case the person or persons having the custody of such rate shall refuse to permit or shall not permit such person or persons so
 15 rated as aforesaid to take copies thereof or extracts therefrom, the person or persons so refusing or not permitting such copy or extract to be made shall forfeit and pay any sum not exceeding *Five* Pounds, to be recovered in a summary way before any Justice of the Peace having jurisdiction in the parish or place.

5.
Power to take
Copies, &c. of
Rates, gratis.

And be it Enacted, That the Justices acting in and for every
 20 Petty Sessions division shall *Four* times at least in every year hold a Special Sessions for hearing Appeals against the rates of the several parishes within their respective divisions, and shall cause public notice of the time and place when and where such Special Sessions will be holden to be affixed to or near to the door of the
 25 Parish Church of the said parishes, *Twenty-eight* Days at the least before the holding of the same; and such Special Sessions shall and may be adjourned from time to time by the Justices there present, as they may think fit; and at such Special or Adjourned Sessions the Justices there present shall hear and determine all objections to any
 30 such rate on the ground of inequality, unfairness or incorrectness in the valuation of any hereditaments included therein, which decision shall be binding and conclusive on the parties, unless the person or persons impugning such decision shall, within *Fourteen* Days after the same shall have been made, cause notice to be given
 35 in writing of his, her or their intention of appealing against such decision, and of the matter or cause of such Appeal, to the person or persons in whose favour such decision shall have been made, and within *Five* Days after giving such notice shall enter into a recognizance before some Justice of the Peace, with sufficient securities
 40 conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the order of and pay such costs as shall be awarded by the Justices at such Quarter Sessions, or any adjournment thereof; and such Justices, upon hearing and finally determining such matter of Appeal,

6.
Justices in
Special Petty
Sessions to
hear Com-
plaints.

shall and may, according to their discretion, award such costs to the party or parties appealing or appealed against as they shall think proper, and their determination in or concerning the premises shall be conclusive and binding on all parties, to all intents and purposes whatsoever: Provided always, That no such objection shall be inquired into by the said Justices in Special Session, unless notice of such objection in writing, under the hand of the Complainant, shall have been given *Seven Days* at least before the day appointed for such Special Session to the Collector, Overseers or other persons by whom such rate was made: Provided also, That the said Justices in Special Session shall not be authorized to inquire into the liability of any hereditaments to be rated, but only into the true value thereof, and into the fairness of the amount at which the same shall have been rated.

7.
Justices may
act with all the
Powers of
Justices in
Quarter Ses-
sions.

And be it Enacted, That the Justices present at any such Special or Adjourned Session shall, for the aforesaid purpose, have all the powers of amending or quashing any such rate so objected to of any parish or other district within their division, and likewise of awarding costs to be paid by or to any of the parties, and of recovering such costs which any Court of Quarter Sessions of the Peace has upon Appeals from any such rate, except as herein excepted: Provided always, That no Order of the said Justices shall be removed by Certiorari, or otherwise, into any of His Majesty's Courts of Record at Westminster: Provided also, That nothing in this Act contained shall be construed to deprive any person or persons of the right to appeal against any rate to any Court of General or Quarter Sessions: Provided also, That no Order of the said Justices in Special Session shall be of any force pending any Appeal touching the same subject matter to the Court of General or Quarter Sessions of the Peace having jurisdiction to try such Appeal, or in opposition to the Order of any such Court upon such Appeal.

8.
Act to extend
only to Eng-
land and
Wales.

And be it Enacted, That this Act shall extend only to England and Wales.

9.
Act may be
repealed this
Session.

And be it further Enacted, That this Act may be repealed or amended by any Act which shall be passed in this Session.

SCHEDULE to which this ACT refers.

FORM OF RATE.

AN ASSESSMENT for the RELIEF of the POOR of the Parish of MERTON in the County of SURREY, and for other purposes chargeable thereon according to law, made this *Thirtieth* day of *March* in the year of our Lord *One thousand eight hundred and Thirty-seven*, after the rate of *Sixpence* in the Pound.

No.	Arrears due, or if excused.	Name of Occupier.	Name of Owner.	Description of Property rated.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.	Rate at 6d. in the Pound.
1	£. s. d. - - -	James Smith -	John Green -	Land and Buildings -	Whiteacre Farm	A. R. P. 40 - -	£. s. d. 60 - -	£. s. d. 55 - -	£. s. d. 1 7 6
2	- - -	- ditto -	- ditto -	House and Garden -	In West-street -	- 1 -	30 - -	25 - -	- 12 5
3 {	- - 7½ } Excused.	John Poor -	- ditto -	House - - -	In Brick-lane -	- - -	1 10 -	1 5 -	- - 7½
	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.

DECLARATION of OVERSEERS and CHURCHWARDENS.

WE, do declare the several particulars specified in the respective Columns of the above Rate to be true and correct, so far as we have been able to ascertain them, to which end we have used our best endeavours.

Thomas Jones, Overseer.

John Thomas, [Churchwarden, &c. &c.]

Parochial Assessments.

A

B I L L

To regulate Parochial Assessments.

(Prepared and brought in by
Mr. Poulett Scrope, Mr. Hawes and
Mr. Poulett Thomson.)

Ordered, by The House of Commons, to be Printed,
13 August 1836.

A

B I L L

For the Appointment of Overseers and Maintenance of the Poor
in Extra-parochial Places.

Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.

WH **E**R **E**A **S** an Act was passed in the forty-third year of the reign of her late Majesty Queen Elizabeth, for the Relief of the Poor, and a certain other Act was passed in the thirteenth and fourteenth years of the reign of his late Majesty King Charles the Second, for the better Relief of the Poor of this Kingdom, which said last-recited Act has been holden not to apply to extra-parochial places not being villages or townships: And whereas it is expedient to make provision for the appointment of Overseers and maintenance and government of the Poor in all extra-parochial places in England and Wales; **W**E **i**t **t**herefore **E**nacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT from and after the *passing of this Act*, there shall be yearly chosen and appointed, according to the rules and regulations in the said first-recited Act mentioned, *Two* or more Overseers of the Poor in every extra-parochial place in England and Wales, who shall from time to time have all the authority, and do and perform all the acts necessary for the relief of the Poor in the said recited Acts contained.

Preamble:

43 Eliz. c. 2.

13 & 14 Car. 2.
c. 12.

1.

Overseers to be appointed for extra-parochial Places.

2.

All Acts relating to the Poor to apply to extra-parochial Places.

And be it further Enacted, That from and after the *passing of this Act*, all extra-parochial places in England and Wales shall be deemed and taken to be and shall be within the operation of all Acts now in force for the maintenance and government of the Poor in the same manner as if such extra-parochial places had been within the operation of such Acts when the same were passed.

Extra-Parochial Places.

A

B I L L

For the Appointment of Overseers and
Maintenance of the Poor in Extra-
parochial Places.

(*Prepared and brought in by*
Mr. Jervis and Mr. Aglionby.)

Ordered, by The House of Commons, to be Printed,
19 February 1835.



A

B I L L

To extend the Period for the Repayment of Loans made under an Act passed in the Fourth and Fifth Year of His present Majesty, for the Amendment and better Administration of the Laws relating to the Poor in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **E**R **E**A **S** by an Act passed in the fourth and fifth years of the reign of His present Majesty, intituled, “An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,” it is enacted, that when any sum of Money shall have been borrowed for the purposes therein mentioned, the principal sum shall be repaid by annual instalments of not less than One-tenth of the sum borrowed, with interest on the same, in any one year: And whereas several Loans have been made by the Exchequer Loan Commissioners and by private Persons to divers Parishes and Unions, the amount whereof, or of a large part thereof, is still due, and it is expedient that authority should be given in certain cases to allow a longer period for the repayment of such Money; **W**E **i**t **t**h**e**r**e**f**o**r**e** **E**n**a**ct**e**d, by The K I N G’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**H**A**T when any Money shall have been borrowed by any Parish or Union, under the direction or with the sanction of the Poor Law Commissioners, it shall be lawful for the Exchequer Loan Commissioners, with the approbation of the Lords Commissioners of His Majesty’s Treasury, or of any *Three* or more of them, or for any private Persons, if they shall see fit, to extend the repayment of the principal sum borrowed under the provisions of the said recited Act, and then remaining

Preamble.

Period for repayment of Loans may be extended.

due, to such a period as, calculating from the date of the charge on the Poor Rates of such Parish or Union, would extend the repayment thereof to a period not exceeding *Twenty* Years, instead of Ten Years, as provided for by the said recited Act; and in every future advance it shall be lawful for the Exchequer Loan Commissioners, with the approbation of the Lords Commissioners of His Majesty's Treasury, or of any *Three* or more of them, and also for any private Persons, if they shall see fit, to extend the repayment of any principal sum so to be borrowed to a period not exceeding *Twenty* Years as aforesaid : Provided always, That not less than *One-twentieth* part of such principal sum, and the interest due in each year upon the whole sum remaining due, shall be paid off in every year.

Poor Law Loans.

A

B I L L

To extend the Period for the Repayment of Loans made under an Act passed in the Fourth and Fifth Year of His present Majesty, for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,

(Prepared and brought in by
Mr. Baring and Mr. Chancellor of the
Exchequer.)

Ordered, by The House of Commons, to be Printed,
9 August 1836.



(Ireland.)

A

B I L L

To provide for the Relief and Employment of the Destitute Poor in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS poor Persons in Ireland are frequently in danger of perishing from want of the necessaries of life, and it is expedient to provide a Remedy thereto, such as is by Law provided in England and Scotland for the Relief of the destitute Poor of those parts of the United Kingdom ; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for His Majesty, His heirs and successors, by Warrant under the Royal Sign Manual, to appoint *Three* fit Persons to be Commissioners to carry this Act into execution, and also from time to time, at pleasure, to remove any of the Commissioners for the time being, and upon every or any vacancy in the said number of Commissioners, either by removal or by death or otherwise, to appoint some other fit Person to the said Office ; and until such appointment it shall be lawful for the surviving or continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

Preamble :

1.
Appointment and Removal of Commissioners.

And be it further Enacted, That the said Commissioners shall be styled "THE POOR LAW COMMISSIONERS FOR IRELAND;" and the said Commissioners, or any *Two* of them, may sit, in the City of Dublin, from time to time as they deem expedient, as a Board of Commissioners for carrying this Act into execution ; and the said Commissioners acting as such Board shall be and are hereby empowered, by Summons under their hands and seal, to require the attendance of all such Persons as they may think fit to call before

2.
Style of Commissioners ; who may sit as a Board, with Power to summon and examine Witnesses, and call for Production of Papers on Oath ;

or to substitute a Declaration for an Oath;

but not to inquire into any Title.

3.

To have a Common Seal.

Rules, &c. purporting to be sealed with such Seal to be received as Evidence.

4.

Commissioners to record their Proceedings.

5.

Commissioners to make a General Report to the Secretary of State yearly:

them upon any question or matter connected with or relating to the administration of Relief to the Poor of Ireland; and also to make any inquiries and require any answer or returns as to any such question or matter; and also to administer oaths, and examine all such Persons upon oath, and to require and enforce the production, upon oath, of books, contracts, agreements, accounts and writings, or copies thereof respectively, in anywise relating to any such question or matter; or, in lieu of requiring such oath as aforesaid, the said Commissioners may, if they think fit, require any such Person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined: Provided always, That no such Person shall be required, in obedience to any such summons, to go or travel more than *Ten* Miles from the place of his abode: Provided also, That nothing herein contained shall extend, or be deemed to extend, to authorize or empower the said Commissioners to act as a Court of Record, or to require the production of the title, or of any papers or writings relating to the title, of any lands, tenements or hereditaments not being the property of any Parish or Union, or of any Corporation established for charitable purposes.

And be it further Enacted, That the said Commissioners shall cause to be made a Seal of the said Board, and shall cause to be sealed or stamped therewith all Rules, Orders and Regulations made by the said Commissioners in pursuance of this Act; and all such Rules, Orders and Regulations, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received as evidence of the same respectively, without any further proof thereof; and no such Rule, Order or Regulation, or Copy thereof, shall be valid or have any force or effect unless the same shall be so sealed or stamped as aforesaid.

And be it further Enacted, That the said Commissioners shall make a Record of their proceedings, in which shall be entered in writing a reference to every Letter received, from whence, its date, the date of its reception, and the subject to which it relates, and a Minute of every Letter written or Order given by the said Commissioners, whether in answer to such Letters received or otherwise, with the date of the same, and a Minute of the Opinion of each of the Members of the Board of Commissioners, in case they should finally differ in opinion, upon any Order to be given or other proceeding of the Board; and such Record shall be submitted to One of His Majesty's Principal Secretaries of State once in every year, or as often as he shall require the same.

And be it further Enacted, That the said Commissioners shall, once in every year, submit to One of the Principal Secretaries of State a General Report of their proceedings; and every such General Report shall be laid before both Houses of Parliament within *Six* Weeks after the receipt of the same by such Principal Secretary of State, if Parliament

Parliament be then sitting, or if Parliament be not sitting, then within *Six* Weeks after the next meeting thereof.

And be it further Enacted, That the said Commissioners shall from time to time, at such times as any One of His Majesty's Principal Secretaries of State shall direct, give to the Principal Secretary of State requiring the same such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require.

6.
And to report Proceedings to Secretary of State when required.

And be it further Enacted, That the said Commissioners shall and they are hereby empowered from time to time to appoint such Persons as they may think fit to be Assistant Commissioners for carrying this Act into execution, at such places and in such manner as the said Commissioners may direct, and to remove such Assistant Commissioners, or any of them, at their discretion, and on every or any vacancy in the said Office of Assistant Commissioner, by removal or by death or otherwise, to appoint, if they see fit, some other Person to the said Office : Provided always, That it shall not be lawful for the said Commissioners to appoint more than *Nine* such Assistant Commissioners to act at any one time, unless the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, or any *Three* or more of them, shall consent to the appointment of a greater number.

7.
Power to appoint Assistant Commissioners ;

and to remove same.

Not more than Nine to be appointed, without consent of Treasury.

And be it further Enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid shall, during his continuance in such appointment, be capable of being elected or sitting as a Member of the House of Commons.

8.
Commissioners not to sit in Parliament.

And be it further Enacted, That the said Commissioners may and they are hereby empowered from time to time to appoint a Secretary, Assistant Secretary or Secretaries, and all such Clerks, Messengers and Officers as they shall deem necessary, and from time to time, at the discretion of the said Commissioners, to remove such Secretary, Assistant Secretary or Secretaries, Clerks, Messengers and Officers, or any of them, and to appoint others in their stead : Provided always, That the amount of the Salaries of such Secretary, Assistant Secretary or Secretaries, Clerks, Messengers and Officers shall from time to time be regulated by the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any *Three* or more of them.

9.
Commissioners to appoint Secretary, Assistant Secretary or Secretaries, Clerks and other Officers.

And be it further Enacted, That no Commissioner to be appointed by His Majesty, nor any Assistant Commissioner, Secretary, or other Officer or Person to be appointed by the said Commissioners, under and by virtue of the provisions of this Act, shall continue to hold his respective Office or exercise any of the Powers given by this Act for a longer period than *Five Years* next after the day of the passing of this

10.
Appointment of Commissioners, &c. limited to Five Years.

Act, and thenceforth until the end of the then next Session of Parliament; and from and after the expiration of the said period of *Five Years*, and of the then next Session of Parliament, so much of this Act as enables His Majesty to appoint any Commissioner or Commissioners shall cease to operate or have any effect whatever.

5

11.
Commis-
sioners and
Assistant-
Commis-
sioners to
take Oath.

And be it further Enacted, That every Commissioner and Assistant Commissioner to be appointed from time to time as aforesaid shall, before he shall enter upon the execution of his office, take the following Oath before one of the Judges of His Majesty's Courts of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say)

Form of Oath.

" I, A. B. do swear, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute and fulfil all the Powers and Duties of a Commissioner [or, Assistant Commissioner, as the case may be,] under an Act passed in the of the reign of King WILLIAM the Fourth, intituled, [here set forth the 'Title of this Act.]"

Notification of
Appointment
of Commis-
sioners to be
sent to Irish
Officer and
published.

And the appointment of every such Commissioner and Assistant Commissioner, together with the time when, and the Judge or Baron before whom he shall have taken the Oath aforesaid, shall be forthwith published in the Dublin Gazette; and a Notification of such appointment and of the taking of such Oath shall from time to time be sent, under the hands and seal of the said Commissioners, to the Irish Officer, who shall and is hereby required, as soon as conveniently may be, to cause the same to be advertised once in some newspaper published or circulated in such County; and such Notification as aforesaid shall be kept and preserved by such Irish Officer with the Records of such County.

12.
Commis-
sioners may
delegate
Powers to
Assistant
Commis-
sioners, and
revoke them.

And be it further Enacted, That it shall be lawful for the said Commissioners to delegate to their Assistant Commissioners, or to any of them, such of the powers and authorities hereby given to the said Commissioners (except the powers to make General Rules) as the said Commissioners shall think fit; and the powers and authorities so delegated, and the delegation thereof, shall be notified in such manner, and such powers and authorities shall be exercised at such places, for such periods, and under such circumstances, and subject to such regulations as the said Commissioners shall direct; and the said Commissioners may at any time revoke, recall, alter or vary all or any of the powers and authorities which shall be so delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and the said Assistant Commissioners may and are hereby empowered to summon before them such Persons as they may think necessary for the purpose of being examined upon oath, (which

Assistant
Commis-
sioners may
summon Per-
sons and exa-
mine them

(which oath such Assistant Commissioners are hereby empowered to administer) upon any question or matter relating to the Poor or their Relief, or for the purpose of producing and verifying upon oath any books, contracts, agreements, accounts and writings, or copies of the same, in anywise relating to such question or matter, and not relating to or involving any question of title to any lands, tenements or hereditaments not being the property of any Parish or Union, or of any Corporation established for charitable purposes, as such Assistant Commissioners may think fit, but so that no such Person shall be required, in obedience to any such Summons, to go or travel more than *Ten* Miles from the place of his abode: Provided nevertheless, That in lieu of requiring such oath as aforesaid, the said Assistant Commissioners may, if they think fit, require such Person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and all Summonses and Orders made by any such Assistant Commissioner, in pursuance or exercise of such delegated powers and authorities, shall be obeyed, performed and carried into effect by all Persons as if such Summons or Order had been the Summons or Order of the said Commissioners, and the breach, non-observance or non-performance thereof shall be punishable in like manner.

upon Oath; or a Declaration may be substituted for an Oath.

And be it further Enacted, That if any Person, upon any examination under the authority of this Act, shall wilfully and corruptly give false evidence, he shall be deemed guilty of *Perjury*; and if any Person shall make or subscribe a false declaration, he shall, on being convicted thereof, suffer the pains and penalties of *Perjury*; and if any Person shall wilfully refuse to attend in obedience to any Summons of any Commissioner or Assistant Commissioner, or to give evidence, or shall wilfully alter, suppress, conceal, destroy or refuse to produce any books, contracts, agreements, accounts and writings, or copies of the same, which may be so required to be produced before the said Commissioners or Assistant Commissioners, every Person so offending shall be deemed guilty of a *Misdemeanor*.

13.
Persons giving false Evidence guilty of *Perjury*;

refusing to attend, &c. guilty of *Misdemeanor*.

And be it further Enacted, That it shall be lawful for the said Commissioners, in any case where they see fit, to order and allow such expenses of Witnesses, and of or attending the production of any books, contracts, agreements, accounts or writings, or copies thereof, to or before the said Commissioners or Assistant Commissioners, as such Commissioners may deem reasonable, to be paid as follows; (that is to say) out of the Poor Rates of the respective District which, in the opinion of the said Commissioners, shall be interested or concerned in such attendance or production respectively, in all cases in which such Witnesses shall not go or travel more than *Ten* Miles from the respective District which shall be interested or concerned as aforesaid; and in all other cases, the expenses so ordered or

14.
Reasonable Expenses of Witnesses to be paid, and by whom.

allowed shall be deemed as part of the incidental expenses attending the execution of this Act, and be paid accordingly.

15.

Every District made liable to relieve and employ its Poor under Control of the Commissioners; who are to make Rules and Regulations for the Management, Relief and Employment of the Poor, and for the levy of the Poor-rate.

Commissioners may suspend or alter Rules, &c.

And be it further Enacted, That from and after *the passing of this Act*, every District in Ireland, duly formed as hereinafter directed, shall be and is required to provide sufficient Relief for such of its poor Inhabitants as may at any time be in danger of perishing from want of the necessaries of life, and also to set to work such of the aforesaid poor Persons as are capable of labour, subject always to the direction and control of the said Commissioners, and according to the Rules, Orders or Regulations which the said Commissioners may issue; and for executing the powers given to them by this Act, the said Commissioners shall and are hereby authorized and required, from time to time as they shall see occasion, to make and issue all such General Rules, Orders and Regulations for the Relief, Employment and Management of the Poor in Ireland, and for the levy of the sums of Money necessary for such purpose, upon a fair estimate of the Rental or annual value of the Lands, Tenements and Hereditaments within the several Districts formed as aforesaid in Ireland, and for the guidance and control of all Boards of Guardians, and Officers of Districts, so far as relates to the Relief, Employment or Management of the Poor, and to the levy of the sums necessary for such purposes, and for carrying this Act into execution in all other respects, as they shall think proper; and the said Commissioners may, at their discretion, from time to time suspend, alter or rescind such General Rules, Orders and Regulations, or any of them: Provided always, That nothing in this Act contained shall be construed as enabling the said Commissioners, or any of them, to interfere in any individual case for the purpose of ordering Relief.

16.

General Rules to be submitted to Secretary of State Forty Days before coming into operation. If disallowed by King in Council during the Forty Days, not to come into operation.

If disallowed afterwards.

And be it further Enacted, That no General Rule of the said Commissioners shall operate or take effect until the expiration of *Forty Days* after the same, or a Copy thereof, shall have been sent, signed and sealed by the said Commissioners, to One of His Majesty's Principal Secretaries of State, unless such Principal Secretary of State shall otherwise direct; and if at any time after any such General Rule shall have been so sent to such Principal Secretary of State, His Majesty, with the advice of His Privy Council, shall disallow the same or any part thereof, such General Rule, or the part thereof so disallowed, shall not come into operation, if such disallowance be notified to the said Commissioners at any time during the said period of *Forty Days*, but if such disallowance be made at any time after that period, such disallowance shall, by One of His Majesty's Principal Secretaries of State, be notified to the said Commissioners; and from and after such disallowance shall have been so notified, then such General Rule, so far as the same shall have been so disallowed, shall cease to operate, subject however

however and without prejudice to all acts and transactions under or in virtue of the same previously to such disallowance having been so notified.

And be it further Enacted, That all General Rules for the time being in force at the commencement of every Session of Parliament, and which shall not previously have been submitted to Parliament, shall from time to time, within *One Week* after the commencement of every such Session, be laid by One of His Majesty's Principal Secretaries of State before both Houses of Parliament.

17.

General Rules
to be laid
before Parlia-
ment.

And be it further Enacted, That a written or printed Copy of every Rule, Order or Regulation of the said Commissioners shall, before the same shall come into operation in any District, be sent by the said Commissioners by the Post, or in such manner as the Commissioners shall think fit, sealed or stamped with their seal, addressed to the Guardians of such District, or their Clerk, and to the Clerk to the Justices of the Petty Sessions held for the Barony or district in which such District shall be situate; and such Guardians, or their Clerk, and Clerks to the Justices aforesaid, are hereby required to keep and preserve, notify and give publicity to such Rules, Orders and Regulations, in such manner as the said Commissioners shall direct, and also to allow every Owner of Property, or his Agent, or any Rate-payer in every such District, to inspect the same at all reasonable times, free of any charge for such inspection, and to furnish Copies of the same, being paid for such Copies at and after the rate of *Three-pence* for every Folio of Seventy-two words, and to allow Copies or Extracts thereof to be taken on being paid for so doing after the rate of *Three-halfpence* for every Folio of Seventy-two words; and in case any such Guardian, Clerk, or Clerk to the Justices, to whom such Rules, Orders or Regulations, or Copies thereof, shall be sent as aforesaid, shall neglect to keep and preserve, notify and give publicity to the same in the mode prescribed or directed by the said Commissioners, or shall refuse such inspection, or to furnish or allow such Copies thereof to be taken as aforesaid, every Person so offending shall for every such offence be subject and liable to a Penalty not exceeding the sum of *Ten Pounds* nor less than *Forty Shillings*, to be recoverable in the same manner as any penalties are by this Act directed to be recovered: Provided also, That if any such Rule shall, after the same shall have come into operation, be disallowed in manner hereinbefore mentioned, or revoked by the said Commissioners, then and in every such case the said Commissioners shall send by the Post, or in such manner as they shall think fit, to every District affected by the said Rule, Notice of such disallowance or revocation; such Notice of disallowance or revocation to be addressed, kept, preserved, notified and publicly inspected, and Copies thereof furnished or allowed to be taken, in such and the

18.

Rules, Orders,
&c. to be sent
to Guardians,
Justices,
&c. before
they shall
come into
operation.

Publicity to
be given to
Rules, &c.
in manner
directed by
Commis-
sioners.

Penalty on
Guardian, &c.
neglecting to
give Publicity,
&c.

Disallowance
of Rule to be
notified in
like manner.

same manner and subject to the same penalties as are hereinbefore mentioned respecting the Rules, Orders and Regulations of the said Commissioners.

19.

Orders or Regulations of Assistant Commissioners to be approved and sealed by Commissioners.

And be it further Enacted, That no Order or Regulation made by any Assistant Commissioner shall be in force unless and until the same shall have been adopted by the said Commissioners, and sealed or stamped with their seal, and thereupon every such Order or Regulation shall be considered as made by the said Commissioners; and that no Rule, Order or Regulation of the said Commissioners, except Orders made in answer to the Statements and Reports hereinafter authorized to be made by Guardians to the said Commissioners, shall be in force until the expiration of *Fourteen* Days after a written or printed Copy of the same shall have been sent by the said Commissioners, sealed or stamped, and addressed as lastly hereinbefore is mentioned.

20.

Parishes or parts of Parishes may be formed into Districts by Commissioners.

And be it further Enacted, That it shall be lawful for the said Commissioners, by Order under their hand and seal, to declare any Parish or so many Parishes or parts of Parishes in Ireland as they may think fit to be a District for the Relief and Employment of their Poor, and such Parish or Parishes or parts of Parishes shall thereupon be deemed a District for such purpose, and be jointly chargeable with and liable to defray the expense of relieving and employing their inhabitant Poor.

21.

Commissioners to determine when relief, &c. shall commence.

And be it further Enacted, That the said Commissioners shall have power to declare the time from which every such District respectively shall be liable as aforesaid to the Relief and Employment of its Poor.

22.

Constitution and Election of Board of Guardians.

And be it further Enacted, That in every District in Ireland liable as aforesaid to the Relief and Employment of its Poor, a Board of Guardians shall be constituted and chosen by the Rate-payers and Owners of Property in such District, at such time and in such manner as the said Commissioners shall direct; and the said Commissioners shall determine the number and qualification, and prescribe the duties and period of service, as well as the time and mode of election of such Guardians, and shall likewise be empowered to dismiss or cancel the appointment of any such Guardian, and to direct a new election to supply his place: Provided always, That in the election of such Guardians, the Owner of every rated Property in every District be entitled to vote as well as the Occupier, both Owners and Occupiers having a number of votes proportioned more or less to the value of their property or occupation, so as nevertheless that no Owner have more than *Ten* votes in the same District, and no Occupier more than *Five* votes: Provided also, That One or more Guardians shall be elected

elected for each Parish or part of a Parish included in any District ;
 and every Justice of the Peace residing in any District, and acting for
 the County or Division in which the same or a part thereof may be
 situated, shall be ex officio a Guardian of such District, and shall if he
 5 think fit act as a Member of such Board, in addition to and in like
 manner as such elected Guardians : Provided always, That except where
 otherwise ordered by the said Commissioners, no ex officio or other
 Guardian of any such Board as aforesaid shall have power to act in
 virtue of such Office except as a Member and at a Meeting of such
 10 Board ; and no act of any such Meeting shall be valid unless *Three* Mem-
 bers shall be present and concur therein : Provided also, That nothing
 herein contained shall prevent such Owners and Rate-payers from re-
 electing the same Persons or any or either of them to be Guardians for
 the year next ensuing, nor from electing as a Guardian any Person who
 15 may already have been chosen as a Guardian of any other Parish.

And be it further Enacted, That the Guardians of every District
 appointed as is hereinbefore directed shall, at such time and under such
 regulations as the said Commissioners shall prescribe, proceed to ascer-
 tain and assess the annual value of the several Lands, Tenements and
 20 Hereditaments within the said District, such annual value being the
 estimated sum at which the particular Property is or might be let by
 the year, deducting therefrom the probable average annual cost of
 repairs thereon, necessary to maintain the property in the condition in
 which it might obtain such rent, causing to be made such Surveys
 25 and Valuations of the said Property, or any part thereof, as may be
 necessary from time to time to make a fair and just Assessment upon
 the several occupancies of Lands or Tenements within the said District,
 and shall from time to time raise or levy from the occupiers thereof
 such sums as they may find necessary for the due Relief and Employ-
 30 ment of the Poor of such District, which Rates or Levies shall be
 called the Poor-rate of such District ; and all such Rates shall be
 made, published, collected and recovered in such manner as the said
 Commissioners shall direct ; and the Collectors duly appointed for
 gathering in such Rates, shall be and hereby are authorized to exercise
 35 the same powers and authorities for the collection and recovery of such
 Rates, when due, as are possessed and exercised by law at present,
 by the Collectors of County or Baronial Rates ; and the Rate-payers
 shall have the like power of Appeal against such Rates as they have
 against County or Baronial Rates at present : Provided always, and be
 40 it further Enacted, That every occupier of lands or tenements shall be
 entitled to deduct or set off *One-half* of every sum paid by him towards
 such Rate from the amount of rent which shall at that time be due
 and unpaid by him, if any, and if no rent be at that time due by
 him, then from the next gale or half-yearly rent which shall become
 due from him to his landlord or immediate lessor ; and the Collector's

23.

Guardians to
 assess the Pro-
 perty of
 Parishes, &c.,

and levy Rate
 thereon for
 Relief, &c. of
 Poor.

Publication,
 recovery and
 Appeal against
 such Rate.

Occupiers to
 deduct One-
 half of Rate
 from their
 Rents.

Sub-lessors entitled to a like deduction from their Rents.

receipt for such payment shall discharge such^t Occupier from so much of the rent then or subsequently due from him as aforesaid; and every lessor against whom such payment shall have been charged or set off, shall be entitled in the same manner to deduct or set off from the amount of rent then due, or, if none be then due, next thereafter becoming due from him to his landlord or lessor, a sum bearing the same proportion to the year's rent of his holdings, as *One-half* of the sum levied from the Occupier bears to the amount at which his occupation is valued for one year in the Rate-book of the District. 5

24.

Commissioners may direct Guardians to appoint paid Officers for Districts;

and fix their Duties, and the mode of Appointment and Dismissal, and the Security;

and regulate their Salaries.

And be it further Enacted, That it shall be lawful for the said Commissioners, as and when they shall see fit, by order under their hands and seal, to direct the Guardians of any District, or of so many Districts as the said Commissioners may in such order specify and declare to be united for the purpose only of appointing and paying Officers, to appoint such paid Officers with such qualifications as the said Commissioners shall think necessary for superintending or assisting in the administration of the Relief and Employment of the Poor, and for collecting the Poor-rates, and for the examining and auditing, allowing or disallowing of Accounts in such District, and otherwise carrying the provisions of this Act into execution; and the said Commissioners may and they are hereby empowered to define and specify and direct the execution of the respective duties of such Officers, and the places or limits within which the same shall be performed, and direct the mode of the appointment and determine the continuance in office or dismissal of such Officers, and the amount and nature of the security to be given by such of the said Officers as the said Commissioners shall think ought to give security, and, when the said Commissioners may see occasion, to regulate the amount of Salaries payable to such Officers respectively, and the time and mode of payment thereof, and the proportions in which such respective Districts shall contribute to such payment; and such Salaries shall be chargeable upon and payable out of the Poor Rates of such District or Districts, in the manner and proportions fixed by the said Commissioners, and shall be recoverable against the Guardians of such District or Districts, by all such ways and means as are hereinafter directed for the recovery of penalties under this Act; and all such payments shall be valid, and shall be allowed in the accounts of the Guardians paying the same. 10 15 20 25 30 35

25.

Commissioners may direct form of Accounts, and regulate the nature of Relief and Employment, &c.

And be it Enacted, That the said Commissioners shall and may direct the mode and form in which the Accounts of every such Parish or Union shall be kept, passed and audited; and may and they are hereby authorized and empowered to regulate the mode, nature and amount of Relief which shall be afforded by the Board of Guardians or Officers of Districts to the destitute Poor of their respective Districts; and also the mode and nature of the work upon which such of the aforesaid Poor as are capable of work shall be employed, 40

501

5 employed, and the rate of wages, or mode and nature of payment or allowance, in money or in kind, which shall be afforded in return for such work; and, subject to the Rules, Orders and Regulations there-
 fore made by the said Commissioners, the Board of Guardians of
 every District shall, as a body, be liable to, and chargeable with, the
 Relief and Employment of such of the poor Inhabitants of such Dis-
 trict as may at any time be in danger of perishing from want of the
 necessaries of life; and for the purpose of attending to applications from
 such poor Persons, such Board shall meet from time to time, and at
 10 such places, and as often as the said Commissioners shall direct; and
 in the intervals between such meetings, the relieving Officer or
 Officers appointed by the said Board under the directions of the said
 Commissioners, shall be empowered and is hereby required to afford
 such temporary relief in cases of emergency as each case shall require,
 15 in articles of absolute necessity, but not in Money, and whether the
 Applicant for relief be legally settled in the District in which he shall
 apply for relief or not.

Board of
Guardians
rendered liable
to relieve and
employ the
Poor, and shall
meet for such
purpose.

Relief in cases
of emergency.

And be it further Enacted, That it shall be lawful for the said Com-
 missioners, and they are hereby authorized and empowered from time
 20 to time as they may see fit, by writing under their hand and seal, to
 order and direct the building or purchase of any Workhouse or other
 Building to be used as an Asylum for the Poor in any District, and to
 determine the situation in which and the plan upon which it shall be
 built or altered for the purpose, and, subject to such directions of the
 25 said Commissioners, the Guardians of any District are hereby em-
 powered to apply such sum or sums of Money out of the Poor Rate
 of the said District as may be necessary to the defraying of the cost
 of erecting, altering, repairing or fitting up such Building or Build-
 ings; and the said Commissioners may and are hereby authorized, by
 30 writing under their hand and seal, to make Rules, Orders and Regula-
 tions to be observed and enforced in the Workhouses or Poor Asylums
 of every District, for the government thereof, and for directing the
 nature and amount of the Relief to be given, and the Labour to be
 exacted from the Persons relieved, and the classification and treatment
 35 of the inmates thereof, and the preservation therein of good order, and
 from time to time to suspend, alter, vary and amend or rescind the
 same, and make any new or other Rules, Orders and Regulations to be
 observed and enforced as aforesaid, as they from time to time shall
 think fit; and the said Rules, Orders and Regulations shall be valid
 40 and binding, and shall be obeyed and observed as if they were speci-
 fically made and embodied in this Act.

26.
Commis-
sioners may
order building
of Work-
houses;

and make
Rules, &c. for
their manage-
ment, &c.

AND whereas several Works of a public character are being now
 or may hereafter be carried on in Ireland, by or under the direction of
 the Board of Public Works or of the County or Baronial Surveyor,
 36.

27.
Guardians
may arrange
with Board of
Works or
County Sur-
veyor, &c.
for the

employment
of able-bodied
Labourers.

and by means or with the aid of Funds raised by general or local
taxation, and that such Works may afford the means of giving em-
ployment to many of the able-bodied Poor of Ireland, who may
apply to the Board of Guardians of their respective Parishes or Unions
for relief; BE it Enacted, That the Guardians of any District 5
shall be and are empowered, if they shall think fit (subject always
to the control and directions therein of the Commissioners), to
make arrangements with the Board of Works, or with the Surveyor,
Engineer or Contractor engaged in the execution of any Public
Work in any part of Ireland, for the employment of any number of 10
the able-bodied poor Labourers then chargeable to the said Parish or
Union on such Works, for such time and at such a rate of payment
as may be determined on between the aforesaid parties; and in case
any able-bodied pauper Labourer, who applies for relief to the said
Board, and is directed by them to proceed to such Works, being pro- 15
vided with the means of doing so, shall refuse or neglect to proceed
immediately to fulfil therein the directions of the Board, the said Board
is and shall be discharged from all obligation to afford to the said Pauper
any relief, so long as he shall persist in his refusal or neglect as afore-
said; and if, being provided with the means of removing himself to the 20
place to which he is directed by the Board, the said Pauper shall not,
within the time prescribed by the Board, proceed to such destination,
and present himself to the Person to whom he may be directed by the
Board, and commence diligently to labour at such work as he may
be by him ordered to perform, and continue to labour thereon to the 25
best of his ability, then and in that case such Pauper shall, upon proof
thereof before any Justice of the Peace, be committed, at the discretion
of such Justice, to the Gaol or House of Correction of the County or
City in which he shall be charged with such offence, for not exceeding
One calendar Month, there to be kept to hard labour: Provided always, 30
That the said Pauper shall receive, while employed on such Works,
either in money or in kind, at the discretion of the Board, a sufficient
Allowance for his maintenance in food, clothing and lodging: Provided
also, That his Wife and Children, if any, be likewise in the meantime
provided with the means of living by the said Board of Guardians, in 35
such manner as may seem to them best.

28.

Board of Guar-
dians may
defray the
Emigration of
able-bodied
Poor and their
Families to
the Colonies;
in case of re-
fusal to emi-
grate, Board
discharged
from obligation
to employ or
relieve able-
bodied Ap-
plicants.

AND whereas it is and may be doubted whether full employment
of a profitable kind can be found for all the able-bodied poor of Ire-
land within that island, while there is and will probably long continue a
great and increasing demand for the services of additional able-bodied 40
Labourers in several of His Majesty's Colonies: AND whereas the intent
of this Act, (videlicet, that no poor Person in Ireland need perish for want
of the means of subsistence,) will be fulfilled if every poor Person in
danger of so perishing be enabled to obtain the means of subsistence
by his own exertions in any part of His Majesty's Dominions; BE it
further

further Enacted, That the Board of Guardians of any District shall be and are hereby authorized and empowered, subject always to the control and directions therein of the said Commissioners, who are hereby authorized and empowered to issue such directions, to apply
 5 such part of the sums raised by them as Poor Rate from their Parish or Union, as they think fit, in defraying the necessary expenses of the emigration to any of His Majesty's Colonies, of any able-bodied poor Persons that may apply to them for employment, together with their Wives and Children under the age of *Sixteen*, if any; and in case
 10 any such applicant shall refuse so to emigrate under the directions of the Board, the said Board of Guardians is and shall be discharged from all obligation to relieve or set to work such poor Person or his Wife or Children as aforesaid, anything in this Act to the contrary notwithstanding.

15 And be it further Enacted, That from and after the *passing of this Act*, the Father and Grandfather, Mother and Grandmother, Son and Daughter, Grandson and Grand-daughter, of every poor Person who shall be at any time in want of the necessaries of life, shall be and are hereby made liable to provide such poor Person with necessary relief, if
 20 capable of doing so; and the Board of Guardians, on the application of any such poor Person for relief, shall be and are hereby empowered to make an order, if they think fit, upon any Person so related and capable as aforesaid, to any poor Person so applying, for such amount of relief, and for such time, as the case may in their judgment require;
 25 and in case their order be disobeyed by such Person or Persons, then it shall be lawful to any Magistrate, upon the application of the Board, to summon such Person or Persons to appear before the next Bench of Magistrates to account for such refusal; and such Bench, or any Two Magistrates thereof, shall be and are hereby empowered to hear and
 30 determine the case, and shall thereon, if they think fit, issue a warrant of distress for the recovery of the sum named in the order, together with the costs of the proceedings had, from the goods and chattels of the Person or Persons proceeded against, to be levied in the manner prescribed hereinafter for all forfeitures or penalties incurred under this Act.

29.
 Relations of
 poor Persons
 liable to their
 maintenance;

in default may
 be proceeded
 against by
 Board before
 Two Justices.

35 And be it further Enacted, That if in any District in Ireland no Board of Guardians shall be elected or constituted as aforesaid, in obedience to the directions of the Commissioners, or if being elected and constituted, any Board of Guardians shall persist after due notice and admonition in writing from the Commissioners, in refusing or neglect-
 40 ing to obey the directions of the Commissioners in any of the matters or things aforesaid, then and in such case, after the expiration of *Thirty* Days from the date of such notice and admonition, the said Commissioners shall be and are hereby authorized to appoint any number of Officers to perform all the duties and offices which the Guardians are hereinbefore required or authorized to perform; and the said Officers

30.
 Commission-
 ers may ap-
 point Officers
 in case of
 Guardians
 refusing or
 neglecting to
 act.

so appointed shall possess for such purpose all the powers and authorities hereinbefore conceded to the said Guardians, which powers and authorities, so far as respects the said Guardians, shall thenceforward cease and determine.

31.

Poor Persons
liable for Re-
lief to Wife or
Children.

And be it further Enacted, That all Relief given to or on account 5
of the Wife, or to or on account of any Child or Children under the
age of *Sixteen*, not being blind or deaf and dumb, shall be considered
as given to the Husband of such Wife, or to the Father of such Child
or Children, as the case may be, and any Relief given to or on account
of any Child or Children under the age of *Sixteen* of any Widow, 10
shall be considered as given to such Widow.

32.

Husband
liable to main-
tain Children
of Wife born
before Mar-
riage.

And be it further Enacted, That every Man who, from and after the
passing of this Act, shall marry a Woman having a Child or Children
at the time of such Marriage, whether such Child or Children be legi- 15
timate or illegitimate, shall be liable to maintain such Child or Children
as a part of his Family, and shall be chargeable with all Relief, or the
cost price thereof, granted to or on account of such Child or Children,
until such Child or Children shall respectively attain the age of
Sixteen, or until the death of the Mother of such Child or Children ;
and such Child or Children shall, for the purposes of this Act, be 20
deemed a part of such Husband's family accordingly.

33.

Such Relief
as Commis-
sioners may
direct to be
considered as
Loan.

And be it further Enacted, That any Relief, or the cost price thereof,
which shall be given to or on account of any poor Person above the
age of *Twenty-one*, or to his Wife, or any part of his family under
the age of *Sixteen*, and which the said Commissioners shall by any Rule, 25
Order or Regulation declare or direct to be given or considered as
given by way of Loan, and whether any receipt for such Relief, or
engagement to repay the same, or the cost price thereof, or any part
thereof, shall have been given or not by the Person to or on account of
whom the same shall have been so given, shall be considered and the 30
same is hereby declared to be a Loan to such poor Person.

34.

Power to
Justices to
attach Wages
in Hands of
Master or
Employer.

And be it further Enacted, That in all cases where any Relief shall
have been given by way of Loan, or where any Relief, or the cost
price thereof, shall be treated as a Loan, under the Rules, Orders and
Regulations of the said Commissioners, or the provisions of this 35
Act, it shall be lawful for any Justice, upon the application of the
Guardians or Relieving Officer of the District providing such Relief,
and upon proof of the same having been given to or on account
of any such Person, his Wife or Family as aforesaid, and of the
same, or any part thereof, still remaining due, to issue a Summons, re- 40
quiring such Person, as well as the Master or Employer of such Per-
son, or some Person on his behalf, to appear before any Two Justices,
at a time and place to be named in such summons, to show cause
why any wages due, or which may from time to time become due,~
from

from such Master or Employer, should not be paid over, in whole or in part, to such Guardians or Relieving Officer, and if no sufficient cause be shown to the contrary, or if such Person, or some one on his behalf, shall not appear on the return of such Summons, then the
 5 said Justices shall, by order under their hands, direct the Master or Employer for the time being from whom any wages shall be due or from time to time become due or payable to such poor Person, to pay, either in one sum, or by such weekly or other instalments as the said Justices shall in their discretion think fit, taking into consideration
 10 the circumstances of such poor Person and his Family, out of such wages, to such Guardians or Relieving Officer, the amount of such Relief, or so much thereof as shall from time to time be due or unpaid; and the payment to and receipt of any such Guardian shall be a good discharge to such Master or Employer for so much of any such Wages
 15 as shall be so paid by virtue of any such order; and if any such Master or Employer shall refuse or neglect to pay to the Guardian producing any such order the Money thereby directed to be paid, according to the terms of such order, and at the periods thereby fixed for such payment, the same may be levied and recovered, and the payment
 20 thereof from time to time enforced against such Master or Employer, in such and the like manner as penalties and forfeitures are recoverable under this Act.

Mode of Proceeding against Masters for recovery thereof.

And be it further Enacted, That the said Commissioners shall be and are hereby empowered to issue Rules and Regulations for the
 25 binding of poor Children, under the age of *Sixteen Years*, who may be chargeable to any District, Apprentices to any trade or following, within any part of the Dominions of His Majesty; and the Board of Guardians or Officers of any District shall therein follow and obey the directions, and conform to the Rules, Orders and Regulations made and
 30 issued by the said Commissioners: Provided always, That the term of such Apprenticeship shall in no case endure beyond the period at which the apprentice shall attain the age of *Twenty*.

35. Commissioners empowered to issue Rules to apprentice Children.

And be it further Enacted, That it shall and may be lawful for the *majority* of the Rate-payers and Owners of Property in any Dis-
 35 trict, assembled at a Meeting to be duly convened and held for the purpose, after public notice of the time and place of holding such Meeting, and the purpose for which the same is intended to be held shall have been given, in such manner as the said Commissioners shall prescribe, to direct that such sum or sums of Money (not exceeding
 40 *Half* the average yearly Rate for the preceding year) as the said Owners and Rate-payers so assembled at such Meeting, and voting in the manner hereinbefore directed for the Election of Guardians may think fit, shall be raised or borrowed as a Fund, or in aid of any Fund or Contribution, for defraying the expenses of the building and fitting

36. Rate-payers to raise a fund in aid of emigration or employment of Poor on Waste Lands, Public Works, &c.

up of any Workhouse or Poor Asylum within and for the use of the said District, or of the voluntary emigration of poor inhabitants of such District, or of their employment in reclaiming waste land, or in making roads, drainages, embankments, or any other public work, or of assisting them to settle and locate themselves on any waste lands within Ireland, or of the purchase of waste lands for such purpose, such sum or sums of Money to be paid out of or charged upon the Rates raised or to be raised for the Relief and Employment of the Poor of such District and to be applied only under and according to such Rules, Orders and Regulations as the said Commissioners shall in that behalf direct: Provided always, That the time to be limited for the repayment of any sum so charged on such Rates shall in no case exceed the period of *Ten Years* from the time of borrowing the same.

37.

Overseers may apply to Commissioners of Exchequer Bills under Act 57 Geo. 3. c. 34. for Advance of Money.

And be it further Enacted, That where it shall be lawful, under the provisions of this Act, to raise or borrow any sum or sums of Money for the purposes aforesaid, it shall be lawful for the Guardians of such District, with the consent of the said Commissioners, to be testified under their hands and seal, to make application for an advance of any sum necessary for any such purposes to the Commissioners appointed under an Act made and passed in the fifty-seventh year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned," and of any Act or Acts passed for amending or continuing the same; and the said Exchequer Bill Loan Commissioners are hereby empowered to make such Advances, upon any such application as aforesaid, upon the security of the Rates for the Relief of the Poor in such District, and without requiring any further or other security than a charge on such Rates.

38.

Commissioners to determine what shall constitute Inhabitaney.

Casual Poor to be relieved.

And be it further Enacted, That the said Commissioners shall be and are authorized to determine whether any and what period of residence or other qualification shall be deemed and taken to be necessary to make any poor Person an Inhabitant of such District within the meaning of this Act: Provided always, That every poor Person or Persons being in danger of perishing from want of the necessaries of life shall be relieved by the relieving Officer of such District in which he or they may happen to be at the time, with such temporary Relief as the emergency of the case may require; and such relieving Officer is hereby required to afford such necessary Relief to such poor Person or Persons on his or their application in food or necessaries, but not in money, subject always to the Rules, Orders and Regulations of the Commissioners thereto relating.

And

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39.

Power to call
for and publish
Accounts of
Trust and
Charity
Estates.

And be it Enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, from time to time as they may think fit, to require from all Persons in whom any freehold, copyhold or leasehold estate, or any other property or funds belonging to any Parish, Township, Corporation or place, and held in trust for or applicable to the Relief of the Poor, or any other charitable purpose, shall be vested, or who shall be in the receipt of the rents, profits or income of any such estate, property or funds, a true and detailed account in writing of the place where such estate may be situate, or in what mode or on what security such other property or funds may be invested, with such details of the rents, profits and income thereof, and of the appropriation of the same, and of all such other particulars relating thereto, as the said Commissioners may direct and require; and such Statement or a true copy thereof shall, under the regulations of the said Commissioners, be open for the inspection of the Owners of Property and Rate-payers in such Parish or Place: Provided always, That nothing hereinbefore contained shall apply to any funds raised from time to time by the voluntary contributions of the Inhabitants of any Parish.

40.

Letters to and
from Board
of Commis-
sioners to be
free of Post-
age, if sent
conformable
thereto.

And be it further Enacted, That the said Commissioners shall and may receive and send by the General Post, from and to places within the United Kingdom, all Letters and Packets, relating solely and exclusively to the execution of this Act, free from the duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners be directed to the "Poor Law Commissioners" at their Office in Dublin, and that all such Letters and Packets as shall be sent by the said Commissioners shall be in covers, with the words "Office of Poor Law Commissioners, pursuant to Act of Parliament passed in the year of the reign of His Majesty King WILLIAM the Fourth," printed on the same, and be signed on the outside thereof, under such words, with the name of such Person as the said Commissioners, with the consent of the Lords Commissioners of the Treasury, or any *Three* or more of them, shall authorize and appoint, in his own hand-writing, (such name to be from time to time transmitted to the Secretaries of the General Post Office in London and Dublin,) and be sealed with the seal of the said Commissioners, and under such other regulations and restrictions as the said Lords Commissioners or any *Three* or more of them, shall think proper and direct; and the Person so to be authorized is hereby strictly forbidden so to subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special direction of his superior Officer, or which he shall himself know to relate solely and exclusively to the execution of this Act; and if the Person so to be authorized, or any other Person, shall send, or cause or permit to be sent, under any such cover, any Letter, Paper or

Writing, or any Enclosure, other than what shall relate to the execution of this Act, every Person so offending shall forfeit and pay the sum of *One hundred Pounds*, and be dismissed from his office; one moiety of the said Penalty to the use of His Majesty, His heirs and successors, and the other moiety to the use of the Person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's Courts of Record at Westminster for offences committed in England, and in any of His Majesty's Courts of Record in Dublin for offences committed in Ireland, and before the Sheriff or Stewartry Court of the Shire or Stewartry within which the Party offending shall reside, or the offence shall be committed, for offences committed in Scotland; and if any Letter, Paper or Writing, or other Enclosure, shall be sent under cover to the said Commissioners, the same not relating solely and exclusively to the execution of this Act, they are hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in London, with the covers under which the same shall be sent, in order that the contents thereof may be charged with the full rates of Postage.

Letters sent under Cover not relating solely to the business of the Act to be transmitted to Post Office to be charged.

41.
Service of
Summons.

And be it further Enacted, That the leaving of any Summons authorized to be issued by any Commissioner, Assistant Commissioner, or Justice of the Peace, under this Act, at the usual or last known place of abode of the Party to whom such Summons shall be directed, shall in every case be deemed good and sufficient service of such Summons.

42.
Penalty on
Persons wil-
fully disobey-
ing Rules,
Orders and
Regulations.

And be it further Enacted, That in case any Person shall wilfully neglect or disobey any of the Rules, Orders or Regulations of the said Commissioners, or Assistant Commissioners, or be guilty of any contempt of the said Commissioners sitting as a Board, or shall otherwise disobey any of the provisions of this Act, such Person shall, upon conviction before any two Justices, forfeit and pay for the first offence any sum not exceeding *Five Pounds*, for the second offence any sum not exceeding *Twenty Pounds* nor less than *Five Pounds*, and in the event of such Person being convicted a third time, such third and every subsequent offence shall be deemed a misdemeanor, and such Offender shall be liable to be indicted for the same offence, and shall on conviction pay such fine, not being less than *Twenty Pounds*, and suffer such imprisonment, with or without hard labour, as may be awarded against him by the Court by or before which he shall be tried and convicted.

43.
Forfeitures,
Costs and
Charges may
be levied by
Distress and
Sale.

And be it further Enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed for any offence against the same shall, upon proof and conviction of the offences respectively before any *Two* Justices, either by the confession of the party offending, or by the oath of any credible witness or witnesses, (which oath such

such Justices are in every case hereby fully authorized to administer,) or upon order made as aforesaid, be levied, together with the costs attending the information, summons and conviction, by distress and sale of the goods and chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the hands of the Justices before whom the party may have been convicted, or, on proof of such conviction, by a Warrant under the hands of any two Justices acting for the county, riding, barony or division (which Warrant such Justices are hereby empowered and required to grant); and the overplus (if any), after such Penalties and Forfeitures, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the Owner or Owners of such goods and chattels; and in case such Fines, Penalties and Forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such Justices as aforesaid to order the Offender or Offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such Warrant of distress, unless the Offender or Offenders shall give sufficient security, to the satisfaction of such Justices as aforesaid, for his or their appearance before such Justices on such day or days as shall be appointed for the return of such Warrant of distress, such day or days not being more than *Seven Days* from the time of taking any such security, and which security the Justices as aforesaid are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such Warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, as the case may be, and they are hereby authorized and required, by Warrant or Warrants under their hands, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the county, riding or place where the Offender shall be or reside, there to remain, without bail or mainprize, for any term not exceeding *Three* calendar Months, unless such Penalties and Forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; and the Penalties and Forfeitures, when so levied, shall be paid to or for the use of the District where such offence shall have been committed, to be applied in aid of the Poor Rate of such District.

In what manner to be applied.

And be it further Enacted, That no Owner of property, Ratepayer or Inhabitant of any District shall be deemed an incompetent Witness in any proceeding for the recovery of any Penalty or Forfeiture inflicted or imposed for any offence against this Act, notwithstanding such Penalty or Forfeiture, when recovered, shall be applicable in aid of the Poor Rate of such District.

44.
Owners, Ratepayers, &c. may be competent Witnesses.

And be it further Enacted, That in all cases in which any Penalty or Forfeiture is recoverable before the Justices of the Peace under this Act,

45.
Justices may proceed by Summons for Recovery of Penalties.

Act, it shall and may be lawful for any Commissioner or Assistant Commissioner, or any Justice to whom complaint in writing shall be made of any such offence, to summon the Party complained against to appear before any *Two* Justices, and on such Summons the said *Two* Justices may hear and determine the matter of such complaint, and on proof of the offence convict the Offender, and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same. 5

46.

Satisfaction recoverable for special Damage, but Distress not unlawful for want of Form in the Proceedings,

Plaintiff not to recover for irregularity if Tender of Amends be made.

And be it further Enacted, That where any distress shall be made for any sum of Money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the Party making the same be deemed a trespasser, on account of any default or want of form in any proceedings relating thereto, nor shall the Party distraining be deemed a trespasser ab initio on account of any irregularity which shall afterwards happen in making the distress, but the Person aggrieved by such irregularity may recover full satisfaction or the special damage in an action on the case: Provided always, That no Plaintiff shall recover in any action for any irregularity, trespass or wrongful proceedings, if tender of sufficient amends shall be made, by or on behalf of the Party who shall have committed or caused to be committed any such irregularity, trespass or wrongful proceedings, before such action shall have been brought; and in case no such tender shall have been made, it shall and may be lawful for the Defendant in any such action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of Money as he shall see fit, whereupon such proceedings or orders and judgment shall be had, made and given in and by such Court as in other actions where the Defendant is allowed to pay money into Court. 10 15 20 25

47.

Appeal to the Quarter Sessions against Order of Justice within Four calendar Months after cause of Complaint, &c.

Provided also, and be it further Enacted, That if any Person or Persons shall find himself, herself or themselves aggrieved by any order or conviction of any Justice or Justices, where such Person or Persons shall be convicted in any Penalty or Penalties exceeding *Five* Pounds, it shall be lawful for such Person or Persons to appeal to any General or Quarter Sessions of the Peace to be held in and for the county, riding, barony or division in which such order shall have been made or conviction taken place within *Four* calendar Months next after the cause of complaint shall have arisen, or if such Sessions shall be held before the expiration of *One* calendar Month next after such cause of complaint, then such appeal shall be made to the next following Sessions, either of which Court of Sessions is hereby empowered to hear and finally determine the matter of the said appeal, and to make such order therein as to them shall seem meet, which order shall be final and conclusive to and upon all Parties; provided that the 30 35 40

Person

011

Person or Persons so appealing shall give or cause to be given at least *Fourteen Days* notice in writing of his, her or their intention of appealing as aforesaid, and of the matter or cause thereof to the Respondent or Respondents, and within *Five Days* after such notice shall enter
 5 into a recognizance before some Justice of the Peace, with sufficient securities, conditioned to try such appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the order of and pay such costs as shall be awarded by the Justices at such Quarter Sessions or any adjournment thereof; and
 10 such Justices, upon hearing and finally determining such matter of appeal, shall and may, according to their discretion, award such costs to the Party appealing or appealed against as they shall think proper; and their determination in or concerning the premises shall be conclusive and binding on all Parties to all intents and purposes whatsoever.

Fourteen Days
 Notice in
 Writing to be
 given, &c. and
 Recognizance
 to be entered
 into.

15 And be it further Enacted, That no action or suit shall be commenced against any Commissioner, Assistant Commissioner or any other Person for any thing done in pursuance of or under the authority of this Act, until *Twenty-one Days* notice has been given thereof in writing to the Party or Person against whom such action is intended
 20 to be brought, nor after sufficient satisfaction or tender thereof shall have been made to the Party aggrieved, nor after *Three* calendar Months next after the act committed for which such action or suit shall be so brought; and every such action shall be brought, laid and tried where the cause of action shall have arisen, and not in any other
 25 county or place; and the Defendant in such action or suit may plead the General Issue, and give this Act and any special matter in evidence at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before *Twenty-*
 30 *one Days* notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county than as aforesaid, then the Jury shall find a verdict for the Defendant therein; and if a verdict shall be found for such
 35 Defendant, or if the Plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if, upon any demurrer in such action, judgment shall be given for the Defendant therein, then and in any of the cases aforesaid such Defendant shall have costs, charges and expenses as between Attorney and Client,
 40 and shall have such remedy for recovering the same as any Defendant may have for his or her costs in any other case by law.

48.
 Limitation of
 Actions.

Defendant
 may plead
 the General
 Issue.

Costs.

And be it further Enacted, That no Rule, Order or Regulation of the said Commissioners or Assistant Commissioners, or any of them, shall be removed or removable by writ of certiorari into any
 36. D Court

49.
 Rules, &c.
 to be re-
 movable by
 Certiorari
 to Court of
 King's
 Bench.

Rules, &c.
so removed
to continue
in force until
declared
illegal.

Court of Record, except His Majesty's Court of King's Bench at Dublin; and that every Rule, Order or Regulation which shall be removed by writ of certiorari into the said Court of King's Bench shall nevertheless, unless and until the same shall be declared illegal by that Court, continue in full force and virtue, and be obeyed, performed and enforced, in such and the same manner, and by such and the same ways and means as if the same had not been so removed. 5

50.
Notice to be
given to Com-
missioners of
Application
for Writ of
Certiorari, &c.

And be it further Enacted, That no application shall be made for any writ of certiorari for the removal of any such Rule, Order or Regulation, except to the Judges when sitting in the said Court, nor unless notice in writing shall have been left at the office of the said Commissioners, at least *Ten Days* previous to such application being made, and in which notice shall be set forth the name and description of the Party by or on behalf of whom and the day on which it is intended to make such application, together with a statement of the grounds thereof; and thereupon it shall be lawful for the said Commissioners to show cause in the first instance against such application, and the Court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the grounds set forth in such notice. 10 15 20

Commis-
sioners may
show cause.

51.
Recogni-
zances to be
entered into.

And be it further Enacted, That previous to any writ of certiorari being issued, the Party or Parties applying for the same shall enter into a recognizance, with sufficient sureties, before *One* of His Majesty's Justices of the Court of King's Bench, or before a Justice of the Peace of the county or place in which such Person shall reside, in the sum of *Fifty Pounds*, with condition to prosecute the same at his or their costs and charges, with effect, without any wilful or affected delay, and in default thereof, or in the event of such Rule, Order or Regulation being deemed legal, to pay the said Commissioners their full costs, charges and expenses, to be taxed according to the course of the said Court of King's Bench; and if the said Rule, Order or Regulation so removed by the said writ of certiorari into the said Court of King's Bench, shall be declared legal by the said Court, the Commissioners entitled to such costs, within *Ten Days* after demand made of the Person or Persons who ought to pay the said costs, upon oath made of the making such demand and refusal of payment thereof, may recover the same in the same manner as any penalties and forfeitures are recoverable under this Act. 25 30 35

If Rule be
declared legal
Commission-
ers to be en-
titled to Costs.

52.
If Rules are
quashed, the
same to be
notified to
Parishes to
which such
Rules have
been directed.

And be it further Enacted, That if upon the hearing of the application the Court shall order a writ of certiorari to issue for bringing up any such Rule, Order or Regulation, and the same being brought into Court shall be quashed as illegal, the said Commissioners shall forthwith notify the judgment of the Court to all Districts 40

to

to which such Rule, Order or Regulation shall have been directed, and the same shall from the time of receiving such notice respectively be deemed and taken to be null and void to all intents and purposes whatsoever; provided that such judgment shall not have the effect of annulling any contracts made in pursuance or upon the authority of any such Rule, Order or Regulation which at the receipt of such notice respectively shall have been executed by either of the contracting parties: Provided also, That no Person shall be liable to be prosecuted, either by indictment or by civil action, for or in respect of any act done by him before the receipt of such notice, under the authority and in pursuance of such Rule, Order or Regulation.

Proviso for
existing Con-
tracts.

No Person to
be answerable
until receipt
of Notice.

AND whereas provision having been made for the due Relief of such poor Persons as are really in want of the necessaries of life, it is expedient to prevent and punish the begging for Relief in any other or irregular manner, for which there will no longer remain any excuse; BE it Enacted, That every poor Person who shall beg, or whose wife or children shall beg for alms in any District after the time from which such District shall be by the said Commissioners declared liable to relieve its own Poor, shall, upon proof thereof before any Magistrate, be committed, at the discretion of the said Magistrate, to the Gaol or House of Correction of the county or city in which such District is situated, for not exceeding *One* calendar Month, with or without hard labour.

53.
Penalty for
Persons found
begging.

And be it further Enacted, That any poor Person who upon application for Relief to the Guardians or Relieving Officer of any District, and having been set to work by them, shall refuse or neglect the work which he is ordered to perform, or shall not duly and to the best of his ability perform the same, or who being admitted for relief into any Workhouse, shall behave in a riotous or disorderly manner therein, or shall neglect or refuse to conform to the rules, and regulations of the said Workhouse so far as in him lies, shall, upon proof thereof before any Justice of the Peace, be committed, at the discretion of such Justice, to the Gaol or House of Correction of the county or city in which such District or Workhouse is situated, for not exceeding *One* calendar Month, with or without hard labour.

54.
Penalty for
Persons
neglecting
work when
set on.

And be it further Enacted, That if any Husband shall desert his Wife, or any Father or Mother shall desert his or her Children, or wilfully leave her or them in such state as to become chargeable to any District, it shall be lawful for any Justice of the Peace, upon proof thereof on oath being laid before him, to issue his Warrant for the apprehension of such Person, and if the offence be proved upon hearing of the case, to commit the offender to the Gaol or House of Correction for the county or city in which such offence is proved for

55.
Penalty for
Parents
deserting their
children.

any period not exceeding *Three* calendar Months, there to be kept to hard labour.; and if it should appear that the said Person so deserting or leaving his or her Children, is in the occupation or possession of any goods, chattels or other property, the aforesaid Justice shall, upon the requisition of the Guardians of the District to which the said deserted Children have become chargeable, issue Warrant of Distress to levy upon the goods and chattels or other property of the said Person, such sum or sums of money as will compensate the said Guardians for the amount of Relief afforded by them to the said deserted Children, together with the costs of the Proceedings.

56.

Interpretation
Clause.

And be it further Enacted, That in the construction of this Act the word "Auditor" shall be construed to mean and include every Person appointed or empowered to audit, control, examine, allow or disallow the Accounts of any Guardian, or officer of any District relating to the receipt or expenditure of the Poor Rate; the words "General Rule" shall be construed to mean any Rule relating to the Management of the Poor or to the execution of this Act which shall at the time of issuing the same be addressed by the said Commissioners to more than One District; the word "Guardian" shall be construed to mean and include any Visitor, Governor, Director, Manager, Acting Guardian, Vestryman or other Officer in a Parish or Union, appointed or entitled to act as a Manager of the Poor, and in the distribution or ordering of the Relief to the Poor from the Poor Rate, under this or any Act of Parliament; the words "Justice or Justices of the Peace" shall be construed to include Justices of the Peace of any county, division of a county, barony, riding, borough, liberty, division of a liberty, precinct, county of a city, county of a town, cinque port or town corporate, unless where otherwise provided by this Act; the word "Oath" shall be construed to include the Affirmation of a Quaker, Separatist or Moravian; the words "Orders and Regulations" shall be construed to mean and include any Rule, Order, Regulation or Bye Law relating to the Management or Relief of the Poor, or the execution of this Act, which at the time of issuing the same, shall be addressed, directed or applied to any one District, or to any number of Districts which shall have been, or by virtue of any order shall be constituted under this Act; the word "Officer" shall be construed to extend to any Clergyman, Schoolmaster, Person duly licensed to practise as a Medical Man, Vestry Clerk, Treasurer, Collector, Assistant Overseer, Governor, Master or Mistress of a Workhouse, or any other Person who shall be employed in any Parish or Union in carrying this Act or the Laws for the Relief of the Poor into execution, and whether performing one or more of the above-mentioned functions; the word "Owner" shall be construed to include any Person for the time being in the actual occupation of any property rateable to the Relief

- Relief of the Poor, and not let to him at rack rent, or any Person receiving the rack rent of any such property, either on his own account, or as mortgagee or other incumbrancer in possession, or any Person entitled to and receiving on his own account any rents arising out of such property; and the words "Rack Rent" shall be construed to mean any Rent which shall not be less than Two-thirds of the full improved net annual value of any property; the word "Parish" shall be construed to include any Parish, City, Borough, Town, Township, Liberty, Precinct, Vill, Village, Hamlet, Tithing, Chapelry, or any other Place or Division or District of a Place, whether parochial or extra-parochial, which is separately chargeable with any Composition for Tithes; the word "Person" shall be construed to include any body politic, corporate or collegiate, aggregate or sole, as well as any individual; the word "Poor" shall be construed to include any pauper or poor or indigent Person applying for or receiving Relief from the Poor Rate in Ireland, or chargeable thereto; the word "Poor Rate" shall be construed to include any Rate, Rate in Aid, Mulct, Cess, Assessment, Collection, Levy, Ley, Subscription or Contribution raised, assessed, imposed, levied, collected or disbursed for the Relief or Employment or Emigration of the Poor in any District; the words "General Quarter Sessions" shall extend to and be construed to include General or Quarter Sessions or adjournment thereof for any county, division of a county, district, barony, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, cinque port or town corporate, unless where otherwise provided by this Act; the word "District" shall be construed to include any single Parish or any number of Parishes or parts of Parishes formed into a District under the provisions of this Act; and wherever in this Act, in describing any Person or Party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as one Person or Party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

And be it further Enacted, That this Act shall extend and apply only to that part of the United Kingdom called Ireland.

57.
Act only to
extend to
Ireland.

And be it further Enacted, That this Act may be altered, amended or repealed in this present Session of Parliament.

58.
Act may be
amended this
Session.

Poor Relief.

(Ireland.)

A

B I L L

To provide for the Relief and Employment
of the Destitute Poor in Ireland.

(Prepared and brought in by
Mr. Poulett Scrope and Mr. Hawes.)

*Ordered, by The House of Commons, to be Printed,
18 February 1836.*

617



(Ireland.)

A

B I L L

To authorize the Relief of the Poor of Ireland
in certain Cases.

[Note.—The Words printed in *Italics* are proposed to be inserted in
the Committee.]

5 **W**HEREAS the state of the Poor in Ireland requires the
interference of Parliament: *Be it therefore Enacted*, by The
KING's most Excellent MAJESTY, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same, **THAT**
every Irish Parish shall have power at discretion to relieve any Helpless
Poor resident therein; and in cases of temporary general distress therein,
any other Poor resident therein; and to assist in preventing Men-
dicity; and the duty of executing this Act shall primarily devolve
10 on a Committee: For which Purposes, *Be it further Enacted*, as
follows:

1.
Parishes
empowered to
act.

15 *Five* Household-ers, chargeable with Grand Jury Rates for property
within any Parish, may send to every Collector of Grand Jury Rates
therein a requisition for a return of Rate-payers; and every Col-
lector shall, within *Ten* Days after receiving such requisition, trans-
mit to the Chief Constable of Police acting in the Parish a return
of the sums respectively charged on and paid by every Person,
not less in total payment than each, for
property within his collection in the Parish, under presentments passed
at Assizes occurring within the *Fifteen* calendar Months before the
date of such return, together with the name and residence of every
such Person.

2.
Collector of
Grand Jury
Rates to make
out Returns of
Rate-payers.

3.
Chief Con-
stable to form
a List from the
Returns.

Such Chief Constable shall make one List of the names of, and total sums respectively paid by, the Persons contained in the returns transmitted to him, giving priority according to the greater total sums so paid ; and in every case of equality of sums according to the alphabetical order of surnames ; and within *Twenty-one* Days after receiving such returns, shall cause copies of such List, as a notice, to be respectively posted on *Two* successive Sundays, and before the first posting thereof, delivered to the Clerk of the District Petty Sessions. 5

4.
Chief Con-
stable on re-
quisitions to
summon
Committee.

Within *Seven* Days after receiving a requisition from *Five* Persons whose names are among the first *Fifty* Males on the List so delivered and posted, but not after *Three* calendar Months from the first posting thereof, the Chief Constable shall summon a Committee by notice, appointing for the meeting of the same a place in the Parish, and a time between *Ten* and *Twenty* Days from the first posting of such notice ; and such Committee shall meet accordingly at *Eleven* o'clock in the forenoon. 15

5.
Qualifications
and continu-
ance of Com-
mittee.

The Committee-men shall be such of the following Persons as are chargeable with Grand Jury Rates for property within the Parish ; (namely) every Male whose name is among the first *Fifty* Males not under incapacity on such List, or who, residing within the Parish or *Three* Miles thereof, has for the year preceding the first posting of such notice occupied or enjoyed property valued at 20

or more yearly, or been the known agent for any property valued at or more yearly, in any valuation then applicable for the purposes of this Act in the Parish, or been a voluntary contributor of to a Dispensary or Hospital therein, or towards the relief of the Poor thereof, under this Act, or is for the time qualified to vote at the election of a Member of Parliament by the Registry of Property within the Parish to the amount of yearly ; and every such Committee shall continue for *One* Year, and may afterwards be re-assembled in like manner from year to year. 30

6.
Seven Com-
mittee-men
may act ;
Chairman and
Voting.

Seven Committee-men assembled under this Act shall constitute a Committee for the execution thereof ; and a Committee-man chosen by and out of those present shall be the Chairman for the day ; and every Committee-man present shall have *One* Vote, and the Chairman shall have a Casting Vote besides ; and all questions shall be decided by a *Majority* of Votes. 35

7.
Meetings
and Adjourn-
ments.

A Committee shall not be constituted without repeating all the before-mentioned proceedings, if *Seven* Committee-men are not present before

Noon

Noon on the day appointed for its commencement; and after having been constituted shall stand adjourned once only to the next day at *Eleven* o'clock in the forenoon (Sunday excepted), whenever *Seven* Committee-men are not present after *Noon*, or any business is unfinished at *Four* o'clock of the same day; and shall also meet at *Eleven* o'clock in the forenoon on the *first Monday* in every alternate calendar Month, at such place in the Parish as shall have been fixed at the previous Meeting, or if none such, then at the last place of meeting.

The Committee at its first meeting shall appoint a Clerk, with a
 10 Salary not exceeding a year, and shall divide the Parish into Sections, each consisting of and being designated from one or more of the denominations of property therein liable to be separately assessed to Grand Jury Rates, having reference to the union in the same Section of tenements held under the same landlord; and
 15 shall appoint not less than *Six* nor more than *Twelve* Committee-men, resident within the Parish or *Three* Miles thereof, to be a Sub-committee until superseded; and shall fix a place in the Parish for the meeting of the same, and assign to every Sub-committee-man the superintendence of one or more of the Sections; and shall appoint
 20 one of the Sub-committee-men to be "the Guardian of the Poor," and another to be "the Deputy Guardian of the Poor;" but where such Sub-committee exists at the time, one half thereof, or any Sub-committee-man who has been in office longer than one year, and is not the Guardian or Deputy Guardian, shall not be re-eligible while a
 25 sufficient number of other Committee-men are by the Committee considered eligible for the Sub-committee, so that there shall be a continued Rotation.

8.

Clerk.

Sectional Divisions.

Sub-committee.

Guardians and Deputy Guardian of the Poor.

Rotation.

The Sub-committee shall meet at *Ten* o'clock in the forenoon on the *last Wednesday* in every Calendar Month, and also whenever summoned by notice from *Three* Sub-committee-men, delivered to every
 30 other Sub-committee-man *Three* Days at least before the time of meeting stated in the notice; and *Three* Sub-committee-men, including the Guardian or Deputy Guardian of the Poor, shall suffice to constitute a Sub-committee; and the Guardian, or in his absence the Deputy
 35 Guardian, shall be Chairman thereof; and every Sub-committee-man present shall have One Vote, and the Chairman shall have a Casting Vote besides; and all questions shall be decided by a *Majority* of Votes, and the Committee's Clerk shall be Clerk of the Sub-committee.

9.

Meetings of Sub-committee.

Their Chairman,

Voting and Clerk.

10.

Places of Meeting;

Adjournment.

The Sub-committee may alter the place of its meeting in the
 40 Parish, and shall stand adjourned once only to the next day at *Ten* o'clock in the forenoon (Sunday excepted), whenever a sufficient number thereof is not present after *Eleven* o'clock in the forenoon or any business is unfinished at *Five* o'clock of the same day.

11.
Poor Roll.

The Sub-committee shall, within *One* calendar Month after its appointment; make, and afterwards, as occasion may require, amend a Roll of the Helpless Poor resident in the Parish who are above *Sixty* Years old, orphans under the age of *Fourteen* Years, maimed, diseased, idiot, lunatic, blind, or deaf and dumb, and of the Sections wherein they respectively were born, and for the greater part of the *Three* Years before their first entrance on the Roll resided, or obtained support by their industry, where the same can be ascertained, and of their characters, and of the causes of their helplessness, and of their relatives (if any) resident within the Parish or *Three* Miles thereof, and of the sum proper for the relief of every Person on the Roll, and of the sum requisite for contingencies, and of the charges to be levied on the Parish at large, and on any of its Sections respectively; and also a Statement of all Funds applicable to the relief of the Poor in the Parish which are not by law required to be distributed by some particular person; and shall from time to time lay such Roll and Statement before the Committee, and shall superintend the Collection, and under the orders of the Committee have the Application of such Funds and of the Money raised under this Act for the use of the Parish; and shall both in every *Six* calendar Months, and whenever ordered by the Committee, lay before it a full and particular account of all Receipts and Disbursements of the Sub-committee, with the Balance thereof; and shall within *Twenty* Days after quitting office, deliver a like account to the succeeding Sub-committee; and all Documents and Property under the care of the Sub-committee shall vest in the Sub-committee for the time being, and be preserved in such place as the Committee shall direct, and be recoverable in the name of the Guardian of the Poor for the time being.

Statement of
Funds.

Collection
and Applica-
tion of Funds.

Accounts.

Property
under Sub-
committee's
care.

12.
Duties of
Clerk.

The Committee's Clerk shall continue in office until superseded, and shall attend every Meeting of the Committee and Sub-committee, and enter the Minutes, and keep the Books and Accounts thereof, and permit the same to be freely examined and copied, at all reasonable hours, by every Parishioner chargeable with Grand Jury Rates.

13.
No Remune-
ration, except
Clerk's Salary.

No Committee-man or Sub-committee-man, nor any Committee's Clerk (his Salary excepted), shall have any Remuneration or derive any benefit from the Parish Funds.

14.
Authentica-
tion of Pro-
ceedings.

All proceedings of the Committee or Sub-committee shall be authenticated by the Signatures of the Chairman and another Member present.

15.
Committee's
Business.

The Committee shall from time to time determine the Helpless Poor, answering the foregoing descriptions, who are to be on the Roll, the sums to be allowed for, and the duration of their relief respectively,

respectively, whether they are to be relieved wholly or partly by the Parish at large, or specified Sections thereof respectively, and the sum requisite both for ordinary and for contingent demands to be levied on the Parish, and on any of its Sections respectively, and the special
 5 purposes for which the same is to be levied; and shall prepare a full statement of such determination, and of every new division of the Parish into Sections, and of every appointment of the Guardian or Deputy Guardian of the Poor, and of all Funds applicable by the Subcommittee to the relief of the Poor in the Parish; but the sum required
 10 for contingent demands shall not exceed *One-third* of the Sum required for ordinary demands; and when a valuation becomes applicable for the purposes of this Act, the amount so to be levied in any one year on the Parish at large, or on any Section exclusively, shall not exceed in the pound on such annual value thereof respectively.

Limitation of
Sums to be
levied.

15 Such Statement shall, within *Seven* Days after its completion, and at least *Six* Days before the ensuing Assizes, be transmitted by the Guardian or Deputy Guardian of the Poor to the Secretary of the Grand Jury of the County, who shall lay the same before the Grand Jury at the Assizes next after the end of the *Six* Days; and a copy
 20 of the Roll contained therein shall, within the like *Seven* Days, be posted by the Committee's Clerk in the Court-room of the District Petty Sessions.

16.

Statement to
be laid before
Grand Jury;

and Roll to be
posted.

Such Statement may, on appeal, be altered by the Grand Jury in all or any of its particulars, according to the subject of appeal;
 25 and with such alteration (if any) shall become a Grand Jury Presentment.

17.

Alteration of
Statements.

Presentment.

The Rates payable under this Act shall be levied as Grand Jury Rates have heretofore been levied; but when a valuation of the Parish becomes applicable for the purposes of this Act, such valuation
 30 shall be the guide for ascertaining the amounts of individual assessments by a parochial and sectional poundage, to be certified by the Treasurer of the County to every Collector of Grand Jury Rates in the Parish, and also to the Chief Constable of Police acting therein, who shall post the same as a notice; and, as far as no sufficient
 35 guide shall be for the time provided by any such valuation, the proportions in which individual assessments shall be made within every denomination liable to be separately assessed to Grand Jury Rates, may from time to time be fixed by the Certificate in writing of *Two* Persons appointed by the Magistrates at the District Petty Sessions; and every
 40 such Certificate shall be verified by the oath of such *Two* Persons at any such Sessions, and shall be delivered in duplicate to and preserved by the Treasurer of the County and the Collector of Grand Jury Rates from

18.

Mode of levy-
ing Rates.

the property affected thereby, and shall remain in force until a subsequent valuation, or a change of the property comprised therein shall have superseded the same, or rendered a new Certificate necessary.

19.
Valuation of
Parish.

A Valuation of the Parish, made under the Act passed in the seventh year of his late Majesty King GEORGE the Fourth, for 5
the uniform Valuation of Lands in Ireland, and in the mean time
whenever made under any other Statute, shall be adopted under
the following Regulations; (namely) the Sub-committee shall add
thereto all Fisheries omitted therein, with the average clear annual
value of the same respectively, during the *Three Years* preceding 10
their appointment, and also all Compositions for Tithes, and all
Tenements omitted therein, with the respective annual value of the
property included in the amended Valuation, according to the scale
fixed by such Act of the seventh year of his late Majesty King
GEORGE the Fourth, as far as it may be applicable, and also with 15
the names of the respective occupiers and immediate owners of such
property; and shall expunge therefrom all fractions of a pound, and
all Tenements devoted to charitable or other public purposes, or of less
value than a year each, or erected within the *Seven*
like preceding Years, and all increased value occasioned by improve- 20
ments made within the same period; and shall, pursuant to public
notice, deposit copies of such amended Valuation, certified by the
Sub-committee, with the Committee's Clerk, and Guardian and Deputy
Guardian of the Poor, respectively, for *Fourteen Days*, in order that
the same may be freely examined and copied, at all reasonable hours, 25
by any of the Parishioners chargeable with Grand Jury Rates; and
shall immediately after the *Fourteen Days* meet and decide all
objections to the amended Valuation, and may alter the same according
to the objection; and shall stand adjourned from day to day at *Ten*
o'clock in the forenoon (Sunday excepted), while any such objection is 30
undecided; and shall, pursuant to further public notice, deposit like
certified copies of the Valuation finally arranged by the Sub-committee,
in like manner and for the like period and purposes; and the Valuation
so finally arranged shall (subject to alteration on appeal, conformably
to the foregoing directions) be adopted for the purposes of this Act; 35
and copies thereof shall be forthwith transmitted by the Sub-committee,
through the Clerk, to the Secretary of the Grand Jury and Treasurer of
the County, and to every Collector of Grand Jury Rates in the Parish;
and the adopted Valuation may, after the expiration of every *Seven*
Years, be from time to time amended in like manner; but Tenements 40
immediately occupied under the same Party, and each of less value
than a year, and together of greater value than
a year, and being (where the Parish is divided into Sections)
in the same Section, shall be included as one Tenement in the amended
Valuation,

Valuation, together with the name of such Party as actual occupier thereof, who shall be dealt with accordingly, yet not so as to make the Tenant's goods liable to seizure ; and such Party shall be answerable for the Rates charged on account of such Tenements, in an action at the suit
 5 of the Collector ; and service of process on such Party's known agent shall be equivalent to personal service thereof ; and the total acreage and annual value of every denomination liable to be separately assessed to Grand Jury Rates, shall be made to appear in such amended Valuation ; and a printed copy of that part of such amended
 10 Valuation which states the total acreage and annual value of every such denomination, certified by the signatures of the Treasurer of the County and Secretary of the Grand Jury to be correct, shall be evidence thereof for the purposes of this Act.

Landlords or
other Owners
answerable for
certain Rates.

The Rates recoverable under this Act shall not exceed *One Year's*
 15 Arrear ; and when a Valuation shall, under this Act, have been adopted for the Parish, every Party having paid Rates, or any part thereof, directly or indirectly, under this Act, may, out of and in part satisfaction of the next rent payable by such Party for the same property, make a Deduction not exceeding *Three-fourths* of such
 20 poundage, on the annual rent thus payable, as shall have been used for ascertaining the rates in consequence whereof the deduction shall be claimed ; but the deduction shall not exceed the payment which immediately gives rise to it, nor contain a fraction of a penny, nor affect any remedy by ejectment ; and every stipulation for defeating
 25 such deduction, in connexion with any assurance made for an estate not exceeding *Three Lives* or *Thirty-one Years* shall be void ; and every private annual sum payable out of property charged with Rates under this Act (Interest for Money excepted) shall be subject to deduction like rent.

20.

Recovery of
Rates and
Deductions
over on ac-
count thereof.

30 Whenever *Ten* or more Persons subscribe and pay to the Guardian or Deputy Guardian of the Poor

21.

Extraordinary
general Dis-
tress.

in the whole for the relief of general distress in the Parish of a temporary nature, and an Extraordinary Committee determine that such distress exists, or is to be apprehended, and that the usual means
 35 of relieving the same are insufficient, and that a sum not exceeding the amount of subscription paid, nor the amount which may be levied on the Parish at large, or any of its Sections, in one year, under this Act, for usual purposes, shall be levied thereon, respectively in furtherance of such relief, the Committee shall prepare a full Statement of
 40 the particulars of such subscription, distress, insufficiency and sum to be levied, and shall transmit to the Treasurer of the County such Statement in duplicate, with the Money so subscribed and paid ; and whenever such Statement and Money subscribed shall be received by the Treasurer more than *Four Weeks* before the then ensuing Assizes,

he shall forthwith transmit to the Chief Secretary of the Chief Governor of Ireland such Statement and a certificate of the Money received ; and the Chief Governor may thereupon order an advance to such Treasurer out of the Consolidated Fund, of any sum not exceeding the sum so determined to be levied ; and the same shall be advanced accordingly, and be repaid, without Interest, in such manner as the Commissioners of the Treasury shall from time to time appoint, out of the next Money levied within the Parish for the purposes of this Act ; but the amount of all the advances so made by the Chief Governor to all such Treasurers, shall not in any year exceed the sum of One hundred thousand Pounds. 5 10

22.
Mendicity
Societies.

When a Society for preventing Mendicity in the Parish shall exist, and the Committee determine that the funds of the Society are insufficient, and that a sum not exceeding *Half* the total annual contributions for the support of the Society during the preceding year, nor the amount authorized to be levied on the Parish at large in one year under this Act for usual purposes, shall be levied in aid of the Society's funds, the Committee shall prepare a full Statement of such insufficiency and sum to be levied, and transmit a copy of such Statement to the Treasurer of the County. 15 20

23.
Statements
and Orders to
be laid before
Grand Jury.

The Treasurer shall lay before the Grand Jury at the then ensuing Assizes every Statement relative to general distress or to a Mendicity Society, and every order issued by the Chief Governor, with a full account of all Money received by him in relation to general distress, whether from subscriptions or otherwise ; and such Statement may on appeal be altered by the Grand Jury in all or any of its particulars, according to the subject of appeal, but without affecting the sum contained in the order of the Chief Governor, or the repayment thereof, and shall with such alteration (if any) become a Grand Jury Presentment. 25 30

24.
Presentments
not travers-
sible.

Every Presentment under this Act shall be exempt from traverse, and shall be fiatd by the Court, and carried into effect accordingly, by levying the sum thereby presented on the Parish at large, and on every Section chargeable with the same respectively.

25.
Payment of
Money levied.

All Money received by the Treasurer of the County under this Act. for the use of the Parish or any of its Sections, or of a Mendicity Society, shall from time to time be paid by him to the Guardian of the Poor, under the directions of the Committee, and for the purposes for which the same was so received. 35

26.
Half-yearly
Accounts to
be laid before
Grand Jury.

A full and particular Half-yearly Account of all Receipts and Disbursements under this Act shall be made out by the Sub-committee to the

the *First day of January* and the *First day of July* in every year, and shall be laid by the Guardian or Deputy Guardian of the Poor before the Grand Jury of the County at every Assizes, and be deposited in the Office of their Secretary for public examination.

- 5 Parishes united in one Benefice shall be distinct Parishes for the purposes of this Act. 27.
United
Parishes to be
distinct.

- When the Chief Constable's List does not contain *Twenty* Persons qualified for Committee-men, after a Committee has been duly summoned, a Meeting, consisting of more than *Half* the qualified Males in such List, may be held as a Committee, and may forward a Memorial to the Chief Governor of Ireland, for uniting the Parish to any adjoining Parish in the same County, a copy whereof shall be delivered and posted as a notice in the adjoining Parish; and on proof of such delivery and posting, the Chief Governor may, by an Order in Council, direct the union of such two Parishes, which shall become one Parish for the purposes of this Act, when the Order shall have been lodged with the Treasurer of the County; and a copy of the Order signed by the Treasurer shall be evidence thereof. 28.
Union of
Parishes.

- Any number of denominations of property liable to be separately assessed to Grand Jury Rates may from time to time, on the Memorial of the Grand Jury of every County within which the same may lie, and on proof of a copy of such Memorial having been delivered and posted as a notice in every Parish within which the same may lie, be erected by the Chief Governor of Ireland, by Order in Council, into a distinct Parish for the purposes of this Act, to be known by a name specified in such Order, and shall accordingly become such distinct Parish when such Order shall have been lodged with the Treasurer of every such County; and a copy of such Order, signed by any such Treasurer, shall be evidence thereof. 29.
Other local
Divisions.

- 30 All Requisitions shall be subscribed with the Names and Residences of the Requisitionists in their own handwriting respectively. 30.
Requisitions
authenticated.

- All Notices shall be fairly written or printed, and signed by the Persons respectively giving the same, and shall (except in cases of Sub-committee Meeting, Appeal or Action) be posted on every Police Station (if any), and between *Noon* and *Four* o'clock in the afternoon on the principal outer-door of every place of public worship (if any) in the Parish appointed for the purpose by the Committee; and if no Police Station or such place of public worship, then between *Noon* and *Four* o'clock in the afternoon on the usual place for posting Notices of Applications for Grand Jury Presentments in the Parish, and before the first posting, be delivered to the Clerk of the District Petty 31.
Posting, &c.
of Notices.

Delivery of
Notices.

Sessions (if resident in the Parish) for public examination; and leaving a Notice at the usual abode, and with any of the family, above *Sixteen* Years old, of the Party to whom the same is to be given, shall be a Delivery thereof.

32.
Extraordinary
Committee.

An Extraordinary Committee shall meet at the last place of Committee Meeting, and at *Eleven* o'clock in the forenoon on any day (Sunday excepted) whenever convened by notice from *Seven* Committee-men, posted on *Three* successive Days, between *Ten* and *Twenty* Days next before its meeting, and specifying every purpose for which it is to meet; and shall have all the powers of the Committee in respect of the matters specified in the Notice; and under that regulation such Extraordinary Committee only may, when composed of a greater number of Committee-men than a previous Committee, alter, rescind or supply omissions in any of the proceedings of such previous Committee.

33.
Vacancies in
Offices.

The Office of Committee's Clerk, Sub-committee-man and Guardian and Deputy Guardian of the Poor, when vacated by death, resignation or incapacity, may be filled by the Committee at any of its meetings.

34.
County Treasurer's Securities.

All present and future Securities for the faithful performance of the duties of Treasurer of the County shall extend to all Money received by him under this Act.

35.
Penalties.

Every Person neglecting to fill the office or perform the duties put upon him by this Act, (not being the office of Guardian or Deputy Guardian of the Poor filled by him within the *Five* preceding Years), or wilfully impeding or unduly interfering with the execution of this Act, shall for every such offence forfeit a sum not exceeding to be imposed within *Three* calendar Months thereafter, by *Two* Magistrates at Petty Sessions, on proof thereof by the confession of the Party or testimony of *One* credible Witness, and belong *one half* to the Guardian of the Poor in aid of the parish funds applicable under this Act, and the *other half* to the Prosecutor, and in default of payment for *Five* Days, to be levied with all Costs resulting from the Non-payment, not exceeding by distress and sale of the Offender's Goods, on a Warrant under the hands and seals of *Two* Magistrates at Petty Sessions, and the overplus (if any) of such sale shall be returned to the Offender; and if, on the return of the Warrant, there appear by like testimony to be no sufficient distress, every such Offender may, on a like Warrant, specifying the forfeiture imposed and Costs occasioned thereby, be committed to the Gaol or House of Correction for the County, there to remain without bail

bail or mainprize for any period not exceeding *Two* calendar Months, if such forfeiture and costs so long remain unpaid.

36.
Appeals.

Every Person aggrieved by any proceeding under this Act, may appeal as follows; (namely) to Petty Sessions in respect of omissions or particulars in the Chief Constable's List; to the Grand Jury at Assizes for the County, in respect of the Committee's determinations for dividing the Parish into Sections, or on account of any of the Poor actually placed on the Roll, the Sums to be allowed for their relief respectively, or such relief being specifically charged on any of the Sections respectively, instead of the Parish at large; and to the General Quarter Sessions for the County in respect of omissions or particulars in the Valuations, or of forfeitures authorized by this Act; and the Court of Appeal may confirm, annul or alter the matter appealed against, and award to either Party such Costs not exceeding as may seem just, which shall be recovered like costs of forfeiture under this Act, on a Warrant under the hands and seals of *Two* Magistrates for the County; but every Appellant must give notice of appeal, and of the specific subject and ground thereof, to the Committee's Clerk and Guardian or Deputy Guardian of the Poor (if any), and if none, to the Chief Constable of Police acting in the Parish, when made to Petty Sessions *Three* Days, and when made to the Grand Jury or in respect of Valuations *Ten* Days at least before the time of hearing the Appeal; and a like notice to the Clerk of Petty Sessions, when made in respect of a forfeiture, within *Three* Days after such forfeiture is imposed; and must in the last case, within *Three* Days after such notice, enter into a Recognizance with *Two* sufficient Sureties, before a Magistrate of the County, for prosecuting and abiding by the issue of the Appeal; and must lodge every Appeal to the Grand Jury in their Secretary's Office *Three* Days at least before their meeting.

37.
Prosecution
of Appeals.

Every Appeal must be prosecuted at the Court of Appeal next after the occurrence of the grievance complained of, and the expiration of an interval *Double* the time allowed for giving Notice of Appeal; but no pending Appeal shall suspend the levying of money charged on any Parish or Section; nor shall the decision on an Appeal about a Valuation be retrospective.

38.
Forms.

The Forms contained in the Schedule shall be used, so far as they are applicable.

39.
Construction
of Act.

The provisions of this Act concerning a "County" shall apply to a "Riding," to a "County of a City or Town," and to a "City and County;" and those concerning a "County" or "District," to the "County" or "District" wherein the greater part in extent of the Parish is situate, so as to make the whole Parish within such County

or District for the purposes of this Act; and those concerning Grand Juries at Assizes to Grand Juries at Presenting Terms in the County and County of the City of Dublin; and those concerning the Chief Governor, to the Lords Justices acting in his stead; and those concerning the Chief Constable, to the Chief Peace Officer of every place where there is no Chief Constable. 5

40.
Indemnity.

Any proceeding under this Act shall not be quashed for want of form, or removed into any of His Majesty's Courts in Dublin, nor through irregularity amount to trespass; but every Party aggrieved thereby may by action on the case, brought within *Three* calendar 10 Months after the occurrence of the grievance complained of, and not otherwise, recover satisfaction for the special damage, when no sufficient amends have been tendered in the mean time, and notice of such action has *Ten* Days at least before the bringing thereof been delivered to the Party against whom the same shall be brought; 15 and whenever such action fails, the Party complained of therein shall have *Double* Costs.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

REQUISITION TO THE COLLECTOR.

Parish of _____ County of _____

To A. B. Collector of Grand Jury Rates.

THE undersigned Householdors, chargeable with Grand Jury Rates for Property in the Parish, require you to deliver to the Chief Constable of Police a Return of the Persons who have been charged with and have paid Grand Jury Rates within your Collection in the same, pursuant to the _____ of WILLIAM the Fourth, chapter _____

Dated this _____ day of _____ 183 _____

(Signed by Five Requisitionists.)

SCHEDULE (B.)

COLLECTOR'S RETURN.

Parish of _____ County of _____

No.	Name.	Amount charged.			Amount paid.			Description of Property charged.	Residence.	No.
		£.	s.	d.	£.	s.	d.			
1	A. C.	10	10	—	10	10	—	Land & Houses		1
2	C. F.	10	9	—	10	5	—	Houses - -		2
3	G. K.	9	—	—	8	10	—	Land - -		3
14	W. B.	4	—	—	2	5	—	House & Land		14
15	V. R.	3	—	—	2	10	—	Land - -		15
42	Y. M.	1	—	—	1	—	—	House -		42

I certify, That the above is a true Return of the Names of all Rate-payers, and of the Sums charged on and paid by them respectively, for Property within the Parish [or, within my Collection in the Parish], under Presentments passed at Assizes occurring within the Fifteen Calendar Months before this date, pursuant to the _____ of WILLIAM the Fourth, chapter _____

Dated this _____ day of _____ 183 _____

(signed) A. B., Collector of Grand Jury Rates in the Parish.

To C. D., Chief Constable of Police.

SCHEDULE (C.)

CHIEF CONSTABLE'S LIST.

Parish of _____ County of _____

No.	Name.	Amount paid.			Description of Property charged.	Residence.	No.
		£.	s.	d.			
1	A. C.	10	10	—	Land & Houses		1
2	E. G.	10	7	—	Land & House		2
3	C. F.	10	5	—	Houses - -		3
4	N. F.	10	—	—	Land - -		4
5	G. K.	8	10	—	Land - -		5
6	A. Y.	8	10	—	Houses - -		6
22	V. R.	2	10	—	Land - -		22
23	W. B.	2	5	—	House & Land		23
73	Y. M.	1	—	—	House - -		73

I certify, That the above is a correct List, according to the Return [or, Returns] furnished to me by A. B., Collector [or, A. B. and V. C., Collectors] of Grand Jury Rates in the Parish, pursuant to the _____ of WILLIAM the Fourth, chapter _____

Dated this _____ day of _____ 183 _____

(signed) C. D., Chief Constable of Police.

Total Sum to be raised on the parish at large -
 exclusively on Section A. -
 " " " " B. -
 " " " " &c. -
 TOTAL for Relief -

Funds applicable by the Sub-Committee to the Relief of the Poor in the Parish.

	£.		s.		d.		of	183		£.	s.	d.
	£.	s.	£.	s.	d.			£.	s.			
Lands at						a year, and for the half-year ending						
Rent-charge on						"	"					
Interest of Money						"	"					
Legacy left by						"	"					
Donation by						"	"					
TOTAL												

Total Sum required for the Poor, as above -
 Funds applicable -
 Deficit -
 Approved by the Sub-committee. (signed) N. O., Guardian [or, Deputy Guardian] of the Poor.
 Dated this day of 183 . S. V., Sub-committee-man.

2.—ROLL OF THE POOR, AND STATEMENT TO BE PREPARED BY THE COMMITTEE.

[The Roll, Total Amount of Relief, and Statement of Funds, are to be in the above Form, F. 1.]

[If any division of the Parish into Sections has been made since the last Statement, add:]

The Parish is, for the purposes of the Act passed in the year of WILLIAM the Fourth, intituled, "An Act to authorize the Relief of the Poor in Ireland in certain Cases," divided into the following Sections; (namely)

Section A., comprising
 Section B. "

[If a Guardian or Deputy Guardian of the Poor has been appointed since the last Statement, add:]

N. O. is appointed Guardian of the Poor, and
 O. M. is appointed Deputy Guardian of the Poor } of the Parish.

Approved by the Committee.

Dated this day of 183 .

(signed) L. T., Chairman of the Committee.
 M. S., Committee-man.

SCHEDULE (G.)**TREASURER'S CERTIFICATE OF POUNDAGE.**

Parish of

County of

I CERTIFY, That, according to the Valuation by which the Grand Jury Rates for the Relief of the Poor in the Parish are to be levied, such Rates presented at the Assizes, in the year 183 , to be levied on

					POUNDAGE,		
	£.	s.	d.		In Figures.	In Letters.	
The Parish at large, being				amount to	4 <i>d.</i>	Four-pence	{ In the pound on the annual value.
Section A. exclusively -				- -	5 <i>d.</i>	Five-pence	
Section B. - - -				- -	1 <i>d.</i>	One penny	
Section C. - - -				- -	6 <i>d.</i>	Sixpence	

Dated this day of

183
(signed)

E. R., Treasurer of the County.

SCHEDULE (H.)**COLLECTOR'S RECEIPT.**

Parish of

County of

Section A, N^o , valued at £. 7 a year.

RECEIVED from R. S. of
Rates, presented at

Five Shillings and Threepence, for Grand Jury
Assizes 183 , for the Relief of the Poor in the Parish.

The above Rates consist of -	4 <i>d.</i>	Four-pence	in the Pound on the Parish at large.
And of -	5 <i>d.</i>	Five-pence	
Total - - -	9 <i>d.</i>	Nine-pence	- - - - Section A. exclusively.
			- - - - in all.

Dated this day of

183

(signed)

A. B., Collector.

SCHEDULE (I.)**NOTICE FOR SUMMONING AN EXTRAORDINARY COMMITTEE.****NOTICE.**

Parish of

County of

AN Extraordinary Committee for the Relief of the Poor will meet at [Place], on
the day of at Eleven o'clock in the forenoon, for
[here specify the subjects to be laid before it], pursuant to the of WILLIAM the
Fourth, chapter

Dated this day of

183

(Signed by Seven Committee-men, with their Residences.)

SCHEDULE (K.)**NOTICE FOR SUMMONING AN EXTRAORDINARY MEETING OF THE SUB-COMMITTEE.****NOTICE.**

Parish of

County of

THE Sub-Committee for the Relief of the Poor will meet at [Place], on
the day of at Ten o'clock in the forenoon, pursuant to the
of WILLIAM the Fourth, chapter

Dated this day of

183

(Signed by Three Sub-Committee-men.)

SCHEDULE (L.)

CONVICTION.

County of } At the Petty Sessions held at A. M. of
 (to wit.) } having been duly summoned [or, being present], is this day, on the
 testimony of D. C. of [or, on his own confession], convicted before us, under an
 Act passed in the year of the reign of WILLIAM the Fourth, intituled, "An Act
 to authorize the Relief of the Poor in Ireland in certain Cases," of having [here specify the
 Offence], on the day of in the year 183, [or, between the
 day of and the day of], at
 in the County of . And we hereby adjudge the said A. M., for such offence,
 to forfeit the sum of £. and to pay the same, with £. Costs, before the
 day of 183, according to the same Statute. Given under our hands and
 seals this day of 183

N. B. The Forfeiture cannot exceed £. Justices of the Peace } C. F. (L. s.)
 Costs - - - - - £. for the County, } E. D. (L. s.)

SCHEDULE (M.)

WARRANT OF DISTRESS FOR A FORFEITURE.

County of } WHEREAS A. M. was convicted before us [or, R. N. and S. R.,
 (to wit.) } Justices of the Peace for the County] of having [here specify the
 Offence], and therefore adjudged to forfeit £. and to pay the same, with £. Costs,
 before the day of 183. You are therefore, under the of
 WILLIAM the Fourth, chapter hereby ordered on non-payment thereof, to levy the said
 sums with £. additional Costs, by distress and sale of the goods of the said A. M.,
 rendering to him the overplus (if any) of such sale. Given under our hands and seals at
 Petty Sessions in this County, this day of 183

Justices of the Peace } C. F. (L. s.)
 for the County, } E. D. (L. s.)

N. B.—The additional Costs cannot exceed £.
 To the Chief and other Constables in the County.

SCHEDULE (N.)

1.—WARRANT OF ARREST FOR WANT OF DISTRESS.

County of } WHEREAS upon the return of the Warrant of Distress issued on
 (to wit.) } the day of 183 against the Goods of A. M.
 of , it was proved to us by the testimony of D. Y. of that sufficient
 Distress could not be so had. You are therefore, under the of WILLIAM the Fourth,
 chapter hereby ordered to arrest the said A. M., and deliver him to the Keeper of the
 Gaol [or, House of Correction] of the County, together with the subjoined Warrant of
 Committal. Given under our hands and seals at Petty Sessions, in the County,
 this day of 183

Justices of the Peace } C. F. (L. s.)
 for the County, } E. D. (L. s.)

To the Chief and other Constables in the County.

2.—WARRANT OF COMMITTAL FOR NON-PAYMENT OF FORFEITURE.

County of } To the Keeper of the Gaol [or, House of Correction] of the
 (to wit.) } County

WHEREAS A. M. of was on the day of 183 convicted before us
 [or, R. N. and S. R., Justices of the Peace for the County,] of having [here specify the
 Offence,] and was therefore adjudged to forfeit £. and to pay the same, with £. Costs,
 before the day of 183, which sums are still unpaid. You are therefore
 under the of WILLIAM the Fourth, chapter hereby ordered to receive into the
 said Gaol [or, House of Correction] the said A. M., and detain him for [here specify the
 Time], if the said Forfeiture and Costs so long remain unpaid. Given under our hands and
 seals at Petty Sessions in the County, this day of 183

Justices of the Peace } C. F. (L. s.)
 for the County, } E. D. (L. s.)

N. B.—The time of Imprisonment cannot exceed Two calendar Months.

SCHEDULE (O.)

NOTICES OF APPEAL.

1.—NOTICE OF APPEAL TO THE PETTY SESSIONS AGAINST THE CHIEF CONSTABLE'S LIST.

NOTICE.

Parish of County of . To

I SHALL appeal to the Petty Sessions at on the day of 183
on account of the List of Grand Jury Rate-payers which was posted on the
day of at in the Parish, not being [or, containing] [here specify
the cause of Appeal] pursuant to the of WILLIAM the Fourth, chapter

Dated this day of 183 .

(signed) L. D., [add the Residence.]

2.—NOTICE OF APPEAL TO THE GRAND JURY.

NOTICE.

Parish of County of . To

I SHALL appeal to the Grand Jury at the Assizes in the year 183 on
account of the determination of the Committee for the Relief of the Poor, under the
of WILLIAM the Fourth, chapter for dividing the Parish into Sections A. B., &c.
instead of M. N., &c. [or, including (here insert the denomination of Property) in Section A.
instead of Section B.]

[or, placing on the Roll of the Poor M. O. } [here state the ground of Appeal.]
[or, allowing to M. O. the sum of £.
[or, charging the Allowance to M. O. on Section A. instead of the Parish at large.]

Dated this day of 183 .

(signed) L. D., [add the Residence.]

3.—NOTICE OF APPEAL TO THE GENERAL QUARTER SESSIONS AGAINST A VALUATION.

NOTICE.

Parish of County of

I SHALL appeal to the General Quarter Sessions for the County, to be held at
in the Month of 183 , against the Valuation of the Parish, under the of
WILLIAM the Fourth, chapter on account of the name [or, denomination] A. M. being
inserted therein instead of N. R. [or, being omitted therein; or, the denomination A. Y.
being over-valued in comparison with P. V.]

Dated this day of 183 . (signed) L. D., [add the Residence.]

4.—NOTICE OF APPEAL TO THE GENERAL QUARTER SESSIONS AGAINST A CONVICTION.

NOTICE.

Parish of County of

To I. B. Clerk of Petty Sessions.

I SHALL appeal to the General Quarter Sessions for the County, to be held at
in the month of 183 , against the Conviction of me, by C. F. and E. D. Justices
of the Peace, as having [here specify the Offence alleged.]

Dated this day of 183 . (signed) A. M., [add the Residence.]

SCHEDULE (P.)

ORDER TO THE CHIEF CONSTABLE TO CORRECT HIS LIST.

Parish of

County of

WHEREAS it has been proved to us, by the testimony of _____ of _____
 that the name of _____ of _____ is improperly omitted [or, the sum
 annexed to the name of _____ of _____ is erroneously stated] in the List
 of Rate-payers posted on the _____ day of _____ at _____, under the _____ of
 WILLIAM the Fourth, chapter _____ : We therefore hereby order you in such List to insert
 the name of _____ next before [or, after] the name of _____ [or, to annex
 the sum of £. _____, instead of £. _____ to the name of _____.] Given under our
 hands and seals, this _____ day of _____ 183____, at _____ Petty Sessions.

Justices of the Peace { C. F. (L. S.)
 for the County, { E. D. (L. S.)

To the Chief Constable of Police,

Poor Relief (Ireland.)

A

B I L L

To authorize the Relief of the Poor of Ireland
in certain Cases.

(Prepared and brought in by
Sir Richard Musgrave and Mr. James Gaskell.)

*Ordered, by The House of Commons, to be Printed,
22 February 1836.*



(Ireland.)

A

B I L L

To provide for the Division of Ireland into Districts, for the purpose of Local Assessment, and to give Relief in certain Cases to the Poor within such Districts.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **E**R **E**A **S** it is expedient to divide Ireland into Districts for the purpose of levying Money on certain kinds of Property within such Districts respectively, and out of the Monies so levied in each District to give Relief in certain cases to the Poor resident therein ;

Preamble :

BE **i**t **t**h**e**r**e**f**o**r**e** **E**n**a**ct**e**d, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same ;

10 **T**H**A**T it shall be lawful for His Majesty, His heirs and successors, by Warrant under the Sign Manual, to appoint *Three Commissioners* for the Poor of Ireland ; and upon any vacancy or vacancies occurring in the number of such Commissioners by death, resignation, removal or otherwise, by like Warrant, to appoint a Person or Persons to supply
15 such vacancy or vacancies, and also by like Warrant to remove any Commissioner so appointed as aforesaid.

1.
King may
appoint and
remove Com-
missioners.

TH**A**T the Commissioners or Commissioner for the time being shall be styled "THE BOARD OF COMMISSIONERS FOR THE POOR OF IRELAND ;" and shall sit in the City of Dublin, and shall have a
20 Common Seal, and shall act in the performance of the duties thrown upon them by this Act, according to such rules as they shall from time to time (subject to the approval of the Lord Lieutenant, to be notified

2.
Commis-
sioners to sit
as a Board,
have a Seal,
and make
Rules for their
Proceeding.

by writing under his hand) frame for the regulation of their proceedings.

3.

Board may
appoint
Officers and
Servants.

THAT the Board may from time to time, by writing under their seal, appoint during pleasure a Secretary (who shall also be Treasurer of the Board), a Collector or Collectors, and as many Clerks and House- 5 hold Servants as shall, in the opinion of the Lord Lieutenant, to be notified by writing under his hand, be proper and necessary.

4.

Board may
summons
Persons to
attend on
them.

THAT the Board may, by Summons under their seal, served on any Person, require such Person to attend before them at such time not less than *Three Weeks* after the delivery of such Summons, as 10 they shall think fit, and any Person neglecting to attend as required, shall forfeit *Ten Pounds*, to be recovered by the Collector of the Board.

5.

Board may
examine any
Person
summoned.

THAT the Board may examine any Person so summoned touching any matters relating to this Act, and if they shall think fit, may require 15 him to write upon paper and sign his name to any part of the testimony he may give; and if he shall wilfully give false testimony, and sign his name thereto, he shall forfeit *Ten Pounds*, to be recovered by the Collector of the Board.

6.

Board may
pay reasonable
Sums to Per-
sons sum-
moned.

THAT the Board may pay to any Person so summoned such Sum 20 of Money for his loss of time and travelling or other expenses incurred in obeying such Summons, as they shall think reasonable, and sums so paid shall be deemed part of the incidental expenses of the Board.

7.

Board to
divide Ireland
into Districts.

THAT the Board shall divide Ireland into Districts for the purposes of this Act, and shall give a distinct name to each District, and no such 25 District shall contain less than *Two Thousand* or more than *Five Thousand* Inhabitants, according to the Census taken in pursuance of two several Acts passed in the fifty-fifth year of the reign of King GEORGE the Third, and the first year of King WILLIAM the Fourth, respectively, and each District being in any County divided into 30 Baronies, shall lie wholly within some one Barony in such County, and the Board may from time to time, as they shall think necessary, alter such Districts.

8.

Board to ap-
point Petty
Sessions for
each District.

THAT the Board shall for each District appoint some place fixed for holding Petty Sessions, under an Act passed in the seventh and eighth 35 years of the reign of King GEORGE the Fourth, intituled, "An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland," to be the Petty Sessions for such District within the meaning of this Act, and may from time to time, if necessary, alter the same; and every such appointment or alteration shall

shall be notified to the Warden for the time being of such District, who shall notify the same to the Collector of such District.

5 THAT the Board may, by order under their seal, served upon the Persons hereinafter mentioned, from time to time call upon them for the Documents hereinafter specified; (that is to say)

9.
Board to have
Power to call
for certain
Documents.

10 (1.) Upon the Chief Officer for the time being, appointed by the Master General and Board of Ordnance to conduct the Survey of Ireland now in progress, for Copies of all Maps of Counties, Baronies, Parishes, Townlands, Ploughlands or other Divisions, the survey of which is already or shall be hereafter completed.

15 (2.) Upon the Person having the custody thereof for Copies of the several Field Books and other Documents which have been already or shall be hereafter transmitted to the Office of the Chief Secretary for Ireland, in pursuance of the provisions for that purpose contained in either or both of two Acts passed in the seventh year of the reign of King GEORGE the Fourth, and the fourth and fifth years of the reign of King WILLIAM the Fourth, and intituled respectively, "An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes and other Divisions of Counties in Ireland, for the purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes and Divisions respectively;" and "An Act to amend three Acts made respectively in the seventh year of the reign of his late Majesty King GEORGE the Fourth, and in the first and second years, and in the second and third years of the reign of His present Majesty, for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes and other Divisions of Counties in Ireland, and to provide for the more effectual levy of Grand Jury Cess."

30 (3.) Upon the Commissioners of Valuation appointed under or by virtue of either of the last-mentioned Acts, for Copies of the Field Books, original or amended, of any Parish which shall have been already or shall be hereafter transmitted to them in pursuance of either of the said last-mentioned Acts, and which shall not have been transmitted by them to the Office of the Chief Secretary for Ireland.

(4.) Upon the Treasurers of the several counties in Ireland, for Copies of the Field Books and Field Maps of any Parish or other Division which have been already or may be hereafter transmitted to them in pursuance of the Act hereinbefore mentioned of the fourth and fifth years of the reign of King WILLIAM the Fourth.

(5.) Upon the Registrars for the time being of the Bishops of the several Dioceses in Ireland, for Copies of the Certificates of the amount of Tithe Composition, and of the Duplicates of Assessments and Applotments of such Compositions, and of all other Documents lodged with them in pursuance of any one or more of four several Acts passed in the fourth, in the fifth, and in the seventh and eighth years of the reign of King GEORGE the Fourth, and in the second and third years of the reign of King WILLIAM the Fourth, and intituled respectively, "An Act to provide for the establishing of Compositions for Tithes in Ireland for a limited time;" "An Act to amend an Act of the last Session of Parliament for the establishing of Compositions for Tithes in Ireland;" "An Act to amend the Acts for the establishing of Compositions for Tithes in Ireland," and an "Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, providing for the Establishment of Compositions for Tithes in Ireland, and to make such Compositions permanent."

(6.) Upon all Persons having the legal custody thereof, for Copies of all Surveys or Valuations of Towns or other Districts made in pursuance of any local Acts directing the same.

10.
Board may pay Expenses of Copies, and Penalty in case of neglect to give Copies.

THAT the Board may pay to any Person so called upon such Sum of Money as they may deem reasonable for making such Copies, and such sums so paid shall be deemed part of the incidental expenses of the Board; and if any Person so called upon neglect to deliver the Document required within *One* calendar Month after service of such Order as aforesaid, he shall forfeit *Ten* Pounds, to be recovered by the Collector of the Board.

11.
Board to appoint Valuers and assign them Districts.

THAT from time to time as such Division into Districts is made, the Board shall appoint Valuers for the purposes of this Act during pleasure, and shall assign to each Valuator as many Districts as they shall think fit, and shall also give to him a Map of each District so assigned to him when such a Map can be conveniently procured; and such instructions (not contrary to the provisions of this Act) for his conduct in matters relative to the valuation thereof as the Board shall think fit.

12.
What shall be considered separate Tenements within the meaning of this Act.

THAT for the purposes of such Valuation as is hereinafter directed, the following shall be considered separate Tenements within the meaning of this Act:

(1.) Each Dwelling-house (however small), with the stables, barns, out-houses, gardens, orchards, pleasure-grounds and demesne lands, and other premises (if any) therewith usually held, occupied and enjoyed, and all fixtures therein or thereon.

(2.) Each

(2.) Each Building not principally employed as a Dwelling-house, with all premises (if any) thereto annexed and usually held together with such building, and all fixtures therein or thereon.

5 (3.) Each Mine of Gold, Silver, Copper, Lead or other mineral, or of Coal, and each Quarry of Stone, Slate or Marble (the premises adjoining and used for the purposes of such Mine or Quarry, and all fixtures thereon respectively, being considered as part of such Mine or Quarry respectively.)

10 (4.) Each Salmon, Eel or other Weir, and Fishery of whatever kind (the premises adjoining and used for the purposes of such weir or fishery, and all fixtures thereon, being considered as part of such fishery.

15 (5.) Each separate division of Arable, Meadow or Pasture land, the boundaries of which are distinctly marked, with all fixtures and other things savouring of the reality thereon.

(6.) Each, whole or part of any Forest, Wood, Copse or other Plantation (not forming part of any demesne lands), the boundaries of which are distinctly marked.

20 (7.) Each Mountain District, the boundaries of which are distinctly marked.

(8.) Each Common, Crag, Moor, Bog, or other District or portion of ground not included under any of the foregoing descriptions.

25 THAT before proceeding to value any District, each Valuator shall, as he best can from private maps, maps and plans furnished him by the Board or otherwise (but without making an actual survey thereof), prepare a Plan of the general boundaries and position of the separate tenements in such District, distinguishing each by numbers or other marks of reference, and ascertain the general contents in acres, roods and perches, British statute measure, of the surface of ground belonging to each separate tenement.

13.
Valuators to
make Plans of
Districts.

THAT each Valuator shall proceed to value the separate tenements within such District, and in making such valuation shall proceed according to the following Rules:—

14.
Valuator to
value separate
Tenements,
and Rules for
such Valua-
tion.

35 Rule I. He shall except from such valuation all Churches, Chapels, and other buildings exclusively dedicated to religious purposes; all Abbeys not inhabited, Burial Grounds and Cemeteries; all Infirmarys, Hospitals and other buildings exclusively dedicated to charitable purposes; all Military and Police Barracks, Lighthouses and other places exclusively dedicated to the public, naval or military purposes; all Gaols, Bridewells, Court and Sessions Houses,

and other places exclusively dedicated to public civil purposes, and all Roads, whether public or private, Canals, Railways and Bridges.

Rule II. He shall value each separate tenement at such sum as would be reasonably given for the same (and in case of a house for it unfurnished) by the year by a Solvent and responsible Tenant, and shall not admit into the value of the whole of any separate tenement as stated in the Register any fraction of a Shilling, or into the value of any part of any separate tenement any fraction of a Penny. 5

Rule III. In valuing the whole or any part of any Forest, Wood, Copse or other plantation, whether forming or not part of any demesne lands, he shall calculate the yearly value at that sum which would be assigned to it under the preceding Rule were the soil thereof employed as arable, meadow or pasture. 10

15.
Who to be
considered
Occupiers.

THAT no Person having a lesser interest than a tenancy from year to year in the whole or any part of any separate Tenement shall be considered as Occupier thereof within the meaning of this Act; but the Person who shall be Tenant from year to year, or if there be no Tenant from year to year, the Person having the next greatest interest to a tenancy from year to year shall be considered the Occupier within the meaning of this Act, and that whether he reside or not within the District in which he shall so hold premises; and all Persons holding under proposals for leases for years or lives, or holding over after the expiration of any lease, shall be considered Tenants from year to year within the meaning of this Act. 15 20 25

16.
Who to be
considered
immediate
Landlords.

THAT the Person to whom any Occupier usually pays rent in respect of the premises of which he is Occupier, whether such Person be actual Landlord or authorized Agent for the purpose of collecting rent of any Landlord, Corporation or Company, or a Receiver under the Court of Chancery or Court of Exchequer, or the Assignee of any Bankrupt or Insolvent, or the Committee of the estate of any Person of unsound mind, shall be considered the immediate Landlord within the meaning of this Act, of the premises in respect of which rent shall be so paid by such Occupier. 30

17.
Valuators to
inquire who
are Occupiers
and immediate
Landlords of
each separate
Tenement,

THAT each Valuator shall ascertain who is or are the Occupier or occupiers, immediate Landlord or immediate Landlords of the whole or any part of each separate tenement, and whether, if there be more than one Occupier or immediate Landlord, they pay or are paid rent to jointly or separately, and if separately, what is the proportion in value of the whole value of such separate tenement of the part of the same of which each is Occupier or immediate Landlord. 35

THAT

18.

Valuator to
make a
Register for
each District.

THAT each Valuator shall make a Register in form in Schedule (A.) annexed, for each District, and shall specify therein the number or other marks of reference by which each separate tenement is distinguished on the Plan of such District, where such a Plan exists; the Parish or
5 Parishes, Townland or Townlands, or other Division or Divisions of Land within which each such separate tenement lies; to which of the classes enumerated in the eleventh section of this Act the same belongs; the number of acres, roods and perches, if ascertained, in each; the annual value of each; the names of the Occupier or Occupiers,
10 immediate Landlord or immediate Landlords of each, and whether they be joint or separate, and if separate, the proportion in value of the part of which each is Occupier or immediate Landlord, and if there be more than one immediate Landlord or Occupier of a part of any separate tenement, the number and name thereof.

19.

Valuator to
transmit
Plans and
Registers to
the Board, and
to be paid by
Board.

15 THAT as soon as any Valuator shall have made a Plan and Register of any District, he shall transmit the same, signed with his name, to the Board, who shall, if necessary, direct such Valuator to alter or amend such Plan or Register in any particulars wherein they may deem it defective, and the Board shall pay to each Valuator for the valuation
20 of each District such sum not exceeding *One Halspenny* in the Pound on the value of the premises therein, as stated in the Register, as the Board shall think reasonable, and shall certify to the Grand Jury of the county within which such District lies the sum so paid, and such Grand Jury shall present the same to be levied off the barony within which
25 such District lies, and to be paid to the Board, and such presentment shall be exempt from traverse and shall be fiated by the Court.

20.

Valuator may
enter upon
Premises for
the purpose of
making Valua-
tion.

THAT so far as shall be necessary for the purposes of such valuation as aforesaid, any Valuator, having *Two Days* previously caused notice in writing to be served on any Person in the actual occupation of
30 any premises directed to be valued by this Act of his intention so to do, may enter into and upon such premises as fully in all respects as if he were the actual Occupier of such premises, and the Order appointing him Valuator shall be sufficient evidence of his authority so to do; and any Person who, after such notice so given, and after being shown the appointment of such Valuator, shall obstruct any Valuator in the per-
35 formance of the duties thrown upon him by this Act, shall forfeit *Ten Pounds*, to be recovered by the Collector of the District within which such premises are situated.

21.

Board to
appoint Com-
missioners of
Appeal who
shall appoint
Provisional
Wardens.

40 THAT as soon as the Districts in any county shall have been valued, the Board shall appoint under their seal a Commissioner of Appeal for such county, with power to remove such Commissioner of Appeal, and in case of his death or removal to appoint another in his place, and shall give to him two Copies of the Plan (where a Plan exists) and Register

of each District within such county, and the Board shall appoint a Person in each District in such county to be Provisional Warden for such District, with power to remove any such Provisional Warden, and in case of death or removal to appoint another in his place; and the Commissioner of Appeal shall deposit with him one Copy of the Plan (where such Plan exists) and Register of such District. 5

22.
Commissioner
of Appeal to
post Notice,
and fix Day
for holding
Court of
Appeal.

THAT as soon as any Commissioner of Appeal shall have so deposited a Copy of the Plan and Register of any District, he shall fix a place in which such Copy of the Plan and Register shall be kept, and cause a Notice, in form in Schedule (B.) with the blanks properly filled up, to be posted, and shall appoint a day, not earlier than *Twenty-one* Days inclusive from the day of posting such Notice, on which to hold a Court of Appeal for such District, and each Court shall be held at the place fixed for keeping such Copy of Plan and Register. 10

23.
Warden to
keep Register
open for
inspection,
and to give
Copies of any
part.

THAT the Provisional Warden of each District shall cause the Copy of the Plan and Register of such District so deposited with him to be kept open at the place so fixed, between the hours of *Ten* of the clock in the Morning and *Four* in the Afternoon of all days (Sundays excepted), for the inspection of all Persons wishing to consult the same, on payment of *Three-pence*, and shall give to any Person who shall demand the same a Copy of any part of such Register, on payment of *Three-pence* for every hundred words in such copy, figures and marks of reference being included in such Copy, but not charged for as words. 15 20

24.
Mode in which
Notice of
Appeal to be
given.

THAT any Person wishing to appeal from any matter contained in any Register shall lodge Notice of Appeal, in form in Schedule (C.) annexed, with the blanks properly filled up, with the Provisional Warden of such District, *One Week* at least before the day fixed for holding the Court of Appeal for such District, and shall upon lodging such Notice of Appeal pay the sum of *One Shilling* to the Provisional Warden, who shall pay the same to the Commissioner of Appeal for his own use, and the Provisional Warden shall number and file each Notice of Appeal as he shall receive the same, and shall enter the number of each such Notice, and the day on which he shall receive the same, and the particulars thereof, in a Book to be kept for that purpose, which Book shall be open for public inspection at all times at which the Register of such District is open for inspection, on payment of *One Penny* by each Person wishing to consult the same. 25 30 35

25.
Order in
which Appeals
to be heard.

THAT on the day appointed for holding the Court of Appeal for any District, the Commissioner of Appeal shall proceed to hear Appeals in the order in which notice of the same shall have been lodged, and shall adjourn his Court from day to day if necessary; and if he shall not have disposed of all the Appeals in any District before the day fixed

for

for holding his Court in some other District, he shall adjourn the Court till such time as he shall think fit, and shall give notice of such adjournment to the Provisional Warden, who shall cause a Notice of such adjournment, in form in Schedule (D.) annexed, to be posted.

- 5 THAT each Commissioner of Appeal may examine any Person appealing, or any other Person or Persons he shall think fit, on oath, touching the matter of such Appeal; and any Person who shall wilfully and corruptly give false evidence on such examination, shall be deemed guilty of Perjury; and the decision of the Commissioner of
10 Appeal shall be final; but no costs shall be awarded by any Commissioner of Appeal, nor shall he have power to summon Witnesses to attend.

26.

Commissioners of Appeal may examine on Oath, and his decision to be final.

- 15 THAT the Provisional Warden shall alter the Copy of the Register deposited with him, and also the Copy in the possession of the Commissioner of Appeal, according to the decisions of the Commissioner of Appeal, and shall in all other respects aid the Commissioner of Appeal in holding such Court as he shall be required by the Commissioner of Appeal to do; and the Commissioner of Appeal shall transmit one Copy of the Register, so altered as aforesaid, to the
20 Board.

27.

Provisional Warden to alter Copies of and register, and otherwise assist Commissioners of Appeal.

- 25 THAT any Person wishing to contribute in any District in aid of the Poor's Rate of such District, may lodge the sum he may wish to contribute with the Provisional Warden, or Warden for the time being of such District, who shall give a receipt for the same, and shall enter all sums so contributed, and the names of the contributors, in a book to be kept for that purpose.

28.

Persons wishing may contribute towards Poor's Rates in any District.

- 30 THAT the remuneration of each Commissioner of Appeal shall consist of the sum of *One Shilling* lodged on giving notice of each Appeal, together with such additional remuneration as the Board, after having received a return of the fees received by him, shall deem adequate compensation; and in order to defray any expenses which may have been incurred by the Provisional Warden in the execution of this Act, he shall be entitled to receive for his own use the several fees directed by this Act to be paid on inspection of the Register or Book containing
35 notices of Appeal, and on demanding Copies of any part of the Register.

29.

How Commissioner of Appeal and Provisional Warden to be compensated.

- 40 THAT all Males of the age of *Twenty-one Years*, not of unsound mind, who shall at the time of summoning any general meeting of Rate-payers for any District be named in the Register of such District as separate Occupiers or immediate Landlords of premises (whether lying together or separate) of the yearly value of *Five Pounds* or upwards,

30.

Who to be entitled to vote as Rate-payers.

or joint Occupiers, or joint immediate Landlords of premises (whether lying together or separate), the value of which, if divided by the number of joint Occupiers or joint immediate Landlords respectively, would give a product of *Five Pounds* or upwards, or who shall before the day of summoning any general meeting have contributed *One Pound* towards the Poor's Rate of such District for the ensuing year, shall be entitled to vote as Rate-payers of such District, within the meaning of this Act, for the year commencing from the day on which a Council shall or ought, according to the provisions of this Act, to be chosen for such District, and terminating with the day on which a new Council for the ensuing year shall or ought to be chosen, under the provisions of this Act; and such year shall be called the current year of such Council, within the meaning of this Act.

31.
Provisional
Warden to
give Notice of
General
Meeting of
Rate-payers.

THAT as soon as all the Appeals for any District shall have been determined, the Provisional Warden shall make a List of the Rate-payers of such District, and shall summon a general meeting of the Rate-payers for such District, by a notice, in form in Schedule (E.) annexed, to be posted; and shall appoint a place and a day, not less than *Twenty-one Days* from the day of posting such notice, at and on which respectively such general meeting of the Rate-payers of such District shall take place; and if any Provisional Warden or Warden appointed or elected under the provisions of this Act shall, in making out Lists of Rate-payers, wilfully, partially or corruptly omit the name of any Person who, according to the terms of this Act, ought to be inserted in such List, he shall forfeit *Ten Pounds*, to be recovered by the Collector of the Board.

32.
Who to be
present and
vote at
General
Meeting.

THAT the Provisional Warden shall be present at *Eleven* of the clock on the morning of the day so appointed, at the place appointed for such general meeting, and shall have a book, in which he shall cause every Person attending such meeting to write his name, and he shall not permit any Person, whose name is not included in the posted List of Rate-payers, to sign his name in such book, and shall not take the vote of any Person at such meeting who shall not have signed his name in such book; and if any Person whose name is not in the posted List of Rate-payers shall continue present at such meeting, after being required by the Provisional Warden to depart, or shall vote at such meeting not having signed his name in such book, he shall forfeit *Ten Pounds*, to be recovered by the Collector of the District.

33.
General
Meeting to
elect a
Warden.

THAT if at *One* of the clock of the day appointed for such general meeting *Twenty* Rate-payers shall have signed their names as hereinbefore required, and if not, then as soon after as *Twenty* shall have so signed their names, the doors of the meeting shall be closed, and any Rate-payer not then present shall not be afterwards admitted; and the Rate-payers

Rate-payers then present who shall have signed their names as herein before required shall, under the direction in all respects of the Provisional Warden elect from among the Rate-payers then present, or from among any of the Rate-payers who shall have given a note in writing to any Rate-payer present intimating his willingness to act if elected by a majority of votes, the Provisional Warden having a casting voice, a Person not being a minister of any religious persuasion, and who shall be willing to act, to be Warden for the ensuing current year ; and if contrary to the provision herein contained, the meeting shall elect either a Minister of any religious persuasion, or any Person unwilling to act, the Provisional Warden shall forthwith declare such election void and proceed to a new election, and so as often as shall be necessary ; and immediately on the due election of a Warden he shall (if then present), or if he shall not be present, then the Provisional Warden shall be Chairman of the meeting, which shall proceed under the direction of the Chairman to elect from among the Rate-payers then present, or from among the Rate-payers of such District who shall have given a note in writing to any Rate-payer then present, intimating his willingness to act by a majority of votes (the Chairman having a casting voice), *Twelve* Persons willing to act as Councilmen, who, together with the Warden, shall form the Council within the meaning of this Act for such District for the ensuing year, and immediately on the election of such Councilmen the meeting of the Rate-payers shall stand dissolved.

THAT if on the day appointed for any general meeting of Rate-payers, *Twenty* Persons shall not have signed their names as hereinbefore directed, before *Three* of the clock of that day, the meeting shall stand adjourned till *Eleven* of the clock of the following day, and so from day to day, and the same regulations in all respects as to time or otherwise, shall be observed by all Persons concerned at such adjourned meeting as are hereinbefore directed to be observed at such original meeting ; and if on the second day of adjournment, *Twenty* Persons shall not have signed their names as hereinbefore directed, before *Three* of the clock of such day, no further adjournment shall take place.

34.
Meeting to stand adjourned, if *Twenty* Persons shall not have signed their names before *Three* of the clock.

THAT in case any Provisional Warden shall, by illness or other unavoidable accident, be unable to perform any part of the duties devolved upon him by this Act, he may, by writing under his hand, appoint a Deputy to act for him therein, and such Deputy shall have the same powers and privileges in all respects as the Person by whom he shall be appointed ; and in like manner if any Warden under this Act shall, by illness or other unavoidable accident, be unable to perform any of the duties thrown upon him by this Act, he may, by writing under his hand, appoint any one of the Councilmen in his District for the time being to act as his Deputy, in such duties (except in filling the office of Chairman of the Council of his District), and such Councilman

35.
Provisional Warden and Warden may appoint a Deputy in certain Cases.

cilman so appointed shall have the same powers and privileges in all respects as the Warden by whom he shall be appointed; and every Provisional Warden and Warden and their sureties shall be in all respects answerable for the conduct of the Persons so appointed as their Deputies.

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36.
Meetings or
Council, and
Regulations to
be observed as
to them.

THAT each Council shall regulate among themselves the times and places of their meeting, so however that there be *One* meeting at least every *Fortnight*, and no assembly of Councilmen shall be considered a meeting unless *Five* shall be present thereat, and no business shall be transacted by any Council except in meeting, and no draft order for the application of any money shall be valid unless signed by *Five* Councilmen present in meeting; and at each meeting of any Council, the Warden, if present, and if he be absent, then such Councilman as the others then present shall choose, shall be Chairman of such meeting, and all questions shall be decided by the majority of voices, and the Chairman shall have a casting voice.

10

15

37.
Provision in
case Council-
men absent
themselves.

THAT any Councilman who shall be absent from any meeting shall, unless he shall at a subsequent meeting assign a sufficient excuse, forfeit the sum of *One* Shilling, to be recovered by the Collector of the District, and if any Councilman shall be absent from *Ten* consecutive meetings, and shall not give sufficient reasons for such absence to the other members of the Council, he shall be considered to have resigned his office as Councilman, and shall in addition to the forfeit of *One* Shilling for each time of absence forfeit the sum of *Two* Pounds, to be recovered by the Collector of the District, and the certificate of the Warden for the time being shall be sufficient evidence of all forfeitures under this section; and any Councilman may, on paying the sum of *Two* Pounds towards the Poor's Rate of his District for the current year, resign his situation as Councilman.

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38.
Warden may
resign, and
Mode in which
next Warden
to be chosen.

THAT the Warden of any District may, on giving to the Councilmen for the time being a satisfactory account of all sums received and expended by him, and on paying *Five* Pounds towards the Poor's Rate of such District for the current year, with the consent of the Board signified in writing, resign his office; and in case of the death, resignation or other removal of the Warden of any District, the Councilmen of such District shall elect from among themselves a Person to fill his place.

30

35

39.
Provision
where number
of Council-
men reduced
below Ten.

THAT if by death, resignation, removal, becoming Warden or otherwise, the number of Councilmen in any Council shall be reduced below *Ten*, the continuing members of such Council shall at the meeting next after such reduction shall be known, elect from among the Rate-payers of the District one or more Person or Persons (as may be necessary) willing to act as Councilmen, so as to make up the number of

40

of

of Councilmen to *Twelve* ; but all acts done by such Council so diminished in numbers shall be as valid as if the number were full, provided there be *Five* continuing members thereof.

- 5 THAT the Council in each District may, with the consent of the Board signified in writing, appoint a Clerk with a salary not exceeding *Ten* Pounds a Year, to be paid out of the Poor's Rate of such District for the current year, and may also retain out of the Poor's Rate for the current year such sum not exceeding *Ten* Pounds, as shall be necessary to defray the expenses incidental to the duties devolved upon them by
10 this Act during that year.

40.
Council may
appoint a
Clerk, and
pay incidental
Expenses.

- 15 THAT the Objects of relief under and within the meaning of this Act shall be the Blind, Deaf and Dumb, Idiots, Lunatics, the Maimed, or unable by other infirmity to labour, or subject to any permanent disease, such Persons as shall be afflicted with Sickness, during the continuance of such Sickness, Persons above the age of *Sixty*, and Orphans
and deserted Children under the age of *Sixteen*, such Persons being destitute.

41.
Who shall be
Objects of
Relief under
this Act.

- 20 THAT the Council in each District shall at the first meeting next after their election estimate as near as they can what sum, not exceeding *One* Shilling in the Pound on the whole value of the premises within such District, as stated in the Register held by Rate-payers, who are also named as Occupiers in the Register of such District, will, together with voluntary contributions and forfeitures given by this Act, be sufficient to provide for the Objects of relief within their District during
25 the current year, and for the Salary of their Clerk and their incidental expenses allowed by this Act, which sum per pound shall be called the Poundage Rate of such District for the current year, and the Council shall applot such sum among such of the Rate-payers for the current year as are named in the Register as Occupiers, in proportion to the
30 value as stated in the Register of the premises of which they are respectively Occupiers ; and in case of joint Occupiers, shall applot the sum to be levied in respect of premises thus jointly occupied, in equal proportions among such joint Occupiers, and in making such applotment shall omit all fractions of a penny.

42.
Council to
ascertain what
Sum necessary
to be levied, to
applot the
same among
the Rate-
payers who
are Occupiers.

- 35 THAT the Council in each District shall appoint a Collector, and the Warden shall by writing under his hand, certify to such Collector the names of the Rate-payers on whom such sum shall have been so applotted as aforesaid, and the sums for which they are respectively liable in respect thereof, and shall also by writing under his hand, from
40 time to time certify to such Collector any forfeitures incurred under this Act, of which the Certificate of the Warden is by this Act declared to be sufficient evidence ; and such Certificates respectively

43.
Council to
appoint Col-
lector and
Warden to
certify to him
Sums to be
collected.

shall, from the date thereof, charge the Persons named therein, and their executors and administrators, with the sums set against the names of such Persons respectively.

44.
Collector to
evy Sums
certified.

THAT as soon as he shall have received such Certificate, the Collector shall give notice to each Person charged thereby, of the sum 5
wherewith he is charged, and shall require payment thereof within
One calendar Month after such notice given, and if the same shall not be
then paid, the Collector may proceed to recover the same as a debt due
to him by any of the ways and means which the law allows for the
recovery of simple contract debts; and the Certificate of the Warden 10
shall be sufficient and conclusive evidence in all Courts of Justice of
such debt.

45.
Collector to
pay over Sums
collected to
Warden.

THAT the Collector of any District shall be liable for all sums so
certified to him, and shall from time to time pay over the sums so 15
collected to the Warden of such District; and when he shall have
collected all sums included in any one Certificate of the Warden, he
shall be entitled to retain out of the sums so collected *Sixpence* in the
Pound as a remuneration for his trouble in collecting the same; and
where any Collector shall show to the Council for the time being of
any District adequate cause for his not being able to collect any sum 20
so certified, the Council may, with the consent of the Board signified
in writing, release him from liability on account of such sum.

46.
What to
constitute
Poor's Rate.

THAT all sums levied in pursuance of any such Certificate of the
Warden of any District, together with the voluntary contributions for 25
the current year within such District, and the sums actually paid, or
which having been collected ought to be paid, in respect of forfeitures as
hereinafter mentioned, to the Warden of such District by its Collector
within the current year, shall form and be called the Poor's Rate of
such District for the current year.

47.
Occupier may
deduct from
Rent payable
to Landlord
two-thirds of
the Poundage
Rate on such
Rent.

THAT as soon as the Poundage Rate in any District shall have been 30
declared by the Council, each Occupier within such District, who shall
be also a Rate-payer, may from the next rent payable by him in
respect of any premises of which he is Occupier, deduct *Two-thirds* of
such a sum as shall bear to the yearly rent payable in respect of such
premises, the same proportion that the whole rate to be levied in the 35
year within such District bears to the value of the premises in respect
of which it is so levied; and if the premises in any District, of which
he is rated as Occupier, are held with others not within such Dis-
trict at an entire rent, then such a sum as if the entire yearly rent
were apportioned on the premises in the different Districts in propor-
tion to the value of the part in each District, as rated in the Register 40
of such District, he would, under the aforesaid provision, be entitled

to

to deduct from the part of such rent apportioned to the premises in each District.

THAT in like manner as soon as the Poundage Rate in any District shall have been declared, every intermediate lessee of premises in any District may deduct from the real rent payable by him in respect of such premises, such a sum as shall bear to the yearly rent payable by him in respect of such premises, the same proportion that *Two-thirds* of the whole sum to be levied in respect of such premises from the Occupier or Occupiers thereof bears to the rated value thereof in the Register; and if the premises of which he is so lessee are held by him, together with others not within such District, at an entire rent, then such a sum as if the yearly rent so payable were apportioned among the premises in such different Districts, in proportion to the value of the part in each District, as rated in the register of such District, he would be entitled to deduct by virtue of the provision hereinbefore last-mentioned, from the rent apportioned to any part.

48.

Intermediate Lessees may also deduct from Rent payable to their Lessors a proportionate Amount of the Rate with which they are in the first instance charged.

That in calculating the sums to be so deducted from any rent as aforesaid, all fractions of a penny shall be rejected, and the Landlord shall give a receipt in full as if no such deduction had been made, notwithstanding any clause, covenant or agreement contained in any lease or agreement, for a lease already made or which may be hereafter made, and such deduction shall not affect any remedy by ejectment, and if any dispute shall arise between any Landlord and Tenant as to the amount of any deduction to be made as aforesaid, either party may summon the other by notice to be served on him before the Warden of the District in which the premises in respect of which the question arises be, and if they be in different Districts, then before the Warden of that District, the first letter of whose surname shall stand first in the alphabet, and such Warden shall, if the party summoned appear on hearing both parties, and if he shall not appear, then if he shall think fit, ex parte decide the matter of such dispute, and his decision shall be final.

49.

Fractions of a Penny to be rejected, Receipt in full to be given, and disputes to be settled by Warden.

THAT the Council of each District shall every month determine which of the Objects of relief under this Act, for the time being resident within their District, they consider proper to be relieved, and shall make out a Roll, in form in Schedule (F.) annexed, containing the names and residences of such Objects, the class to which each belongs, and the sum considered necessary for the relief of each; and the Warden shall out of any monies in his hand, by virtue of this Act, pay the sums so adjudged to such Objects, in such manner as he shall think proper; and if he shall have no monies in his hand, or not sufficient for such purpose, then out of any monies he may be able to borrow, and which sums he

50.

Council to make Rate of Poor, and Warden to pay Sums allotted.

is hereby authorized to repay out of any monies that may afterwards come to his hands by virtue of this Act.

51.
Balance, if
any, in the
hands of
Warden at
the end of any
Year to be
carried to the
Account of
the following
Year.

THAT if in any current year the expenditure in any District, as allowed by this Act, shall not have equalled the sums received towards the Poor's Rate of such District within such year, then any balance remaining in the hands of the Warden shall be carried to the account of the Poor's Rate of the following year; and if on the Warden having given in his account, as hereinafter directed, a balance shall appear due to him, such balance shall be paid to him by the Warden of the ensuing year out of the Rates of such year.: Provided always, That such balance, if paid out of the Rates of the preceding year, would not have made a levy of more than *One Shilling* in the Pound, as aforesaid, necessary.

52.
Council to
alter Register
when neces-
sary.

THAT the Council in each District shall from time to time make such alterations in the names of the Occupiers and immediate Landlords named in the Register, as death, change of tenancy or other circumstances shall render necessary, and shall also, where a change in the Occupiers or immediate Landlords of parts of separate tenements shall render a new apportionment of the value of such separate tenement, either as between the immediate Landlords or the Occupiers thereof, necessary, make such new apportionment in such manner as they shall think just, and every such apportionment shall be final and bind the parties interested therein; and the Warden shall transmit to the Board an accurate statement of all changes made in the Register in pursuance of this Clause, within *One Fortnight* after such alteration, or forfeit *One Pound*, to be recovered by the Collector of the District to which such Warden belongs.

53.
New Council
to be chosen
each Year.

THAT the Warden and Councilmen for any year shall continue in office until superseded by a Warden and Councilmen to be elected or appointed as hereinafter mentioned, and the Warden for the current year in each District shall summon a general meeting of the Persons who, according to such altered Register, are at the time of his making such summons Rate-payers, within the meaning of this Act, for such District, for the purpose of electing a new Warden and Councilmen for the ensuing year; and such meeting shall be held on the *Seventh* day of *January* in each year after the first year in which the election of a Warden and Council shall have taken place in pursuance of this Act (unless such *Seventh* day of *January* shall happen to be a Sunday, and then on the day following,) and such summons shall be made and every other matter and thing connected with such meeting shall be performed in the same way, as near as may be, as is hereinbefore directed as to the original general meeting of Rate-payers in such District; and the Warden for the time being shall have in all respects the same powers, duties and privileges, in regard to the

the calling and holding of such meeting, as the Provisional Warden had in regard to the calling and holding of such original meeting, and the Warden and Councilmen of the preceding year shall not be disqualified from holding the same offices in any subsequent year.

5 THAT if from accident, misconduct or otherwise, a new Warden and Councilmen shall not be elected in any District in any year, then the Council of such District for the past year shall continue in office, and shall have and exercise all the same powers and privileges which the new Council if elected would have had, and the Warden shall
10 notify to the Board the causes which have prevented such new election, and the Board shall at their discretion either continue the existing Council in office, or shall by writing under their seal, direct the Warden of the past year to summon a general meeting of the Rate-payers for the election of a new Warden and Council for such District, on a day
15 named by the Board; and every matter and thing relating to the summoning and holding of such meeting shall be transacted in the same manner as is hereinbefore directed concerning the meeting to be held by summons of the Provisional Warden or Wardens as aforesaid; and all acts of the Council of the preceding year done within such ensuing
20 year or period shall be considered as the acts of the Council so appointed, and shall bind them in all respects.

54.
Proceedings in case of non-election of Council in any Year.

THAT if in any District the Rate-payers, when thereto required by summons from the Provisional Warden as aforesaid, shall neglect to elect a Warden and Councilman as hereby prescribed, the Board may
25 either omit such District from the operation of this Act for so long time as they shall think fit, or may at any time appoint a Warden and Councilmen for such District, and the Board may at any time remove any Warden or Councilman, and if the Council of the District in which any Warden or Councilman shall, in pursuance of this power, be
30 removed, shall not duly, according to the terms of this Act, proceed to supply his place, then the Board shall have full power so to do by appointment under their seal; and when in pursuance of the powers given by this Act the Board shall in any District appoint a Council, or any Warden or Councilman, such Council shall be constituted in the
35 same manner, and the members thereof, whether collectively or individually, and also such Warden and Councilman so appointed as aforesaid, shall have the same powers, privileges and duties in all respects as if it had been duly elected in pursuance of the provisions contained in this Act.

55.
Board may appoint Councils in certain Cases.

40 THAT each Warden shall in *One Fortnight* after he shall have been thereto required, by Notice under the seal of the Board served on him, transmit to the Board an account of all receipts and disbursements in the current year within his District, up to the time of his receiving

56.
Warden to give account of Receipts and Disbursements.

such Notice, or forfeit *Twenty* Pounds, to be recovered by the Collector of the Board, and each Warden shall within *One Fortnight* after the termination of each current year, or after his removal, from resignation or other determination of his office, transmit to the Warden for the time being within such District, and if there shall be none such, then to the Board, an account of all receipts and disbursements from the beginning of such current year up to the end thereof, or up to the time of his removal from resignation or other determination of his office, or forfeit *Twenty* Pounds, to be recovered by the Collector of the District, or of the Board respectively, as there shall or shall not be a Warden for the time being of any District; and every Warden so neglecting to account shall, in addition to such forfeiture, be charged with all sums which he shall have received from the Collector.

57.
Provision in
case of
Balance un-
accounted for
by deceased
Warden.

THAT where any Person who is or has been Warden for any District shall die, the Warden for the time being of such District shall be entitled to call upon the Executors or Administrators of such Warden for payment of all sums received by such Warden, on account of the Poor's Rate of such District, and not accounted for by him or them; and if such payment shall be refused, then shall notify the same to the Board, who shall put in suit the security given by such Warden and his surety as hereinafter mentioned, for the recovery of such sums to the use of the District of which he was Warden.

58.
Documents
prepared in
pursuance of
this Act to
vest in the
Board, and
subject to
right of Board
in Wardens of
respective
Districts.

THAT all Maps, Registers, Copies of Maps and Registers, and all other Documents of what nature or kind soever required to be prepared by this Act, and also all sums of money levied or recovered, or directed to be levied or recovered by virtue of this Act, subject as to such monies to any claim thereto definitively given by this Act, vest in His Majesty, His heirs and successors, and subject in and be to such ultimate right of property in the Crown, so limited as aforesaid, shall vest in and be recoverable by the Board, and subject to such right of the Board, the Warden for the time being in any District shall be entitled to recover from any Person into whose hands the same may come, all Maps, Registers and Copies of Maps and Registers, and all other documents relating to his District, and required to be prepared by this Act, and all Monies belonging to the Poor's Rate of his District.

59.
Penalty in
case any Per-
son unlawfully
retain Docu-
ments.

THAT if any Person into whose hands any Documents or other matter or thing prepared in pursuance of this Act shall come, shall neglect to deliver up the same to the Persons entitled to the custody thereof under this Act, after having been served with notice *One Week* previously so to do by the Person so entitled, he shall forfeit *Twenty* Pounds, to be recovered, if the Provisional Warden or Warden of any District be the Person so entitled, by the Collector of his District; and if the Board be so entitled, then by the Collector of the Board: Provided always,

That

That neither this provision, nor any other provision made in this Act, imposing a forfeiture on any Person, shall hinder the Person so incurring such forfeiture from being proceeded against criminally or civilly, as he might have been if no such forfeiture had been imposed.

- 5 THAT the Council of any District may, out of the Poor's Rate of such District, pay to such Person as shall be duly appointed by one of His Majesty's Principal Secretaries of State for the purpose of superintending Emigration, a sum not exceeding *Five Pounds* in behalf of any destitute Person above the age of *Twelve*, to be applied in assisting
- 10 such destitute Person to emigrate to any of the British Colonies, provided they shall obtain security from some solvent Person to the amount of *Six Pounds*, that the Person in whose behalf such money is so given shall, within *Three Months* from the day on which such security is given, leave the United Kingdom of Great Britain and Ireland, and
- 15 shall not return to the United Kingdom within *Two Years* from the day on which such security shall be given; and if such Person shall not so leave the United Kingdom within *Three Months* as aforesaid, or shall return thereto within *Two Years* as aforesaid, then the Person giving such security, or his Executors or Administrators, shall, by virtue of
- 20 such security, forfeit *Six Pounds*, to be recovered by the Collector of the District out of the Poor's Rate of which such money shall have been given.

60.
Council may assist Persons to emigrate in certain Cases.

- 25 THAT if at any time *Twenty* from among the Rate-payers for the current year in any District shall by writing, subscribed with the names and residences of the requisitionists in their own handwriting respectively, certify to the Council of such District the existence of general extraordinary distress within such District, it shall be lawful for such Council, out of the Poor's Rate of such District for the current year, to appropriate a sum less than or equal to any sum which may be
- 30 voluntarily contributed and committed to their care, and such Council shall expend such joint sum in the relief, in any manner they shall think fit, of such general distress, and they shall not in giving such relief be confined to the Objects of relief within the meaning of this Act.

61.
Provision in case of extraordinary Distress within any District.

- 35 THAT if in any District a Mendicity Society shall exist which shall offer to the Objects of relief within the meaning of this Act as effectual relief as is intended to be provided for them by this Act, it shall be lawful for the Council of such District to appropriate the whole or any part of the Poor's Rate of such District in aid of the funds of such Society, provided that at least *Five Members* of such Council be upon
- 40 the Managing Committee of such Mendicity Society.

62.
Councils may contribute to Mendicity Societies.

101. THAT if the Council in any District shall present to Petty Sessions of such District a Certificate, signed by *Five* Councilmen, that any Vagrant

63.
Petty Sessions on Certificate of Council may commit Vagrants.

Vagrant remaining within their District might and ought to maintain himself, such sessions may commit such vagrant to gaol for hard labour or solitary confinement for a period not exceeding *One Fortnight*.

64.

Parents may be compelled to support their Children, and Children their Parents.

THAT when any Child or Parent shall be competent and able to support his or her Parent or Child respectively, who if not so supported would be a fit object of relief under this Act, it shall be lawful for the Council of the District within which such Parent or Child that would so become a fit object shall reside, having given *One Week's Notice* in writing, to be served on the Child or Parent of such Parent or Child respectively, of their intention so to do, to pay such sum as they shall think fit towards the support of such Parent or Child respectively who would so become an object of relief; and the Child or Parent of such last-mentioned Parent or Child respectively to whom notice shall have been so given, shall forfeit *double* the sum so given, to be recovered by the Collector of the District; and the Certificate of the Warden for the time being shall be sufficient evidence of such forfeiture.

65.

Provision for making new Valuation of any District.

THAT where in any District *Three-fourths* in number of the Rate Payers for the current year within such District, being dissatisfied with the existing valuation of such District, shall apply to the Board to have a new valuation of such District, made, the Board, having lodged in their hands by the Persons so applying such a sum as they shall think sufficient to cover the expense of such new valuation, shall in that or in the following year, as they shall think most expedient, cause a new valuation of such District to be made, and for that purpose shall proceed, as near as may be, in the manner hereinbefore directed as to the original valuation to be made of each District under this Act; and such new valuation then made shall be the basis of all future proceedings under this Act dependent upon the valuation of such District; and if the sum of money so lodged with the Board as aforesaid shall be found more than sufficient to defray the expenses of such valuation, the surplus shall be paid by the Board towards the Poor Rate of such District; and if it shall be found inadequate, the deficiency shall be made good by the Board, and shall be considered as part of the incidental expenses of the Board under this Act.

66.

Board may make Rules for the Regulation of Councils.

THAT the Board may from time to time, as they shall see occasion, make such Rules, not inconsistent with the Provisions of this Act, for the regulation of the proceedings of the several Councils in the performance of the duties thrown upon them by this Act, as they shall think proper.

67.

What good Service of Summons.

THAT where any Notice or Summons, or Order, is directed to be served in this Act on any Person, such notice or summons shall be deemed to have been well served if left at the usual place of abode of the

- the Party on whom such Summons, Notice or Order is directed to be served, with the Wife or any Child or Servant, above *Sixteen* Years old, of the Person on whom the same is required to be served, or if directed to him at his usual or last place of abode, and sent by the
- 5 General Post, the postage thereof having been first *paid* by the Party sending the same.

68.

How and
where Notices
to be posted.

- THAT where any Notice is required to be posted by this Act, copies of the same, fairly written or printed, and signed by the person required by this Act to post the same, shall be posted on the door of every
- 10 Catholic, Protestant or other place of public worship, of every Police Barrack, Court or Sessions House within the District to which such Notice refers, and also upon the door of the place for holding the Petty Sessions of such District, and on the door of the house where the Council for such District usually assemble.

69.

Mode of re-
covering For-
feitures by the
Collector of
any District.

- 15 THAT when any forfeiture, of which the Certificate of the Warden is not hereby directed to be conclusive evidence, is imposed by this Act, to be recovered by the Collector of any District, such Collector may by summons under his hand, served on the Person who shall have incurred such forfeiture, call upon such person either to pay the sum
- 20 forfeited, or to appear by himself or his attorney on some day, not less than *Twenty* Days from the day of service of such Summons, before the Petty Sessions of the District to which such Collector belongs; and if the Person so summoned shall not so appear, then on proof of the service of such Summons, and if he shall appear, then on proof of the
- 25 forfeiture having been incurred, the Court shall by Warrant, under the hand of two Justices then present, award to such Collector the amount of the forfeiture incurred, and such costs as they shall deem reasonable; and the amount of the debt and costs so awarded shall from thenceforth be a debt due from such Person to such Collector, and may be re-
- 30 covered by any of the ways and means now in force for the recovery of simple contract debts; and such Warrant shall be sufficient evidence in all Courts of Justice of the existence of such debt.

70.

Court may
examine
Collector and
Person sum-
moned on
Oath, and
shall transmit
account of
Forfeiture to
Warden.

- THAT in determining whether any forfeiture has been incurred as aforesaid, the Court at Petty Sessions may examine on oath both the
- 35 Persons so summoned and the Collector summoning him, and shall transmit to the Warden for the time being of the District to which such Collector belongs, an account of all sums so awarded for forfeitures, and such Collector shall pay to such Warden *Two-thirds* of all such sums, which, when paid to the Warden, shall form part of the Poor
- 40 Rate of the District for the current year in which they shall be so paid.

71.

Mode of
recovering
Forfeitures by
the Collector
of Board.

- THAT where by this Act any forfeiture is directed to be recovered by the Collector of the Board, such Collector may, by writing under

his hand, served on the Person who shall have incurred such forfeiture, call upon such Person either to pay the sum forfeited, or to appear by himself or his attorney on some day, not less than *Thirty Days* from the day of service of such Summons, before the Assistant Barrister, at Quarter Sessions held for the county in which such forfeiture has been incurred, or if in any county of a city before the Recorder of such county of a city; and if the Person so summoned shall not appear, then on proof of the service of such Summons, and if he shall appear, then on proof of the forfeiture having been incurred, the Court shall decree to such Collector the amount of such forfeiture, and such sum as he shall think reasonable for costs, and such sums so decreed may be recovered by the said Collector by any of the ways and means now in force for the recovery of any sums decreed in other cases by such Courts. 5 10

72.
Court may
examine
Collector and
Person sum-
moned, and
shall transmit
an Account of
Forfeitures to
Board.

THAT in determining whether any forfeiture has been incurred as last aforesaid, the last mentioned Court may examine on oath both the Person so summoned and the Collector summoning him, and shall transmit to the Board an account of all sums decreed by it as forfeiture; and the Collector shall pay to the Secretary of the Board *Two-thirds* of all sums so decreed, to be applied by them towards their incidental expenses. 15 20

73.
Courts may
decree Costs
to Persons
summoned.

THAT if in any case the Court of Petty Sessions, or of the Assistant Barrister, or of the Recorder as aforesaid, shall find that any forfeiture has not been incurred, they shall respectively award or decree to the Person so wrongfully summoned such sum for costs as they shall think reasonable; and such sums shall be recovered in the same way and by the same means as are hereinbefore given to the Collectors of any District, and of the Board respectively, for the recovery of any sums awarded or decreed to them as aforesaid, and there shall not in any case be an appeal from any award or decree of either of the said Courts so made as aforesaid. 25 30

74.
How Collector
of Board and
of Districts to
be remun-
erated.

THAT the Collector of the Board shall be remunerated by the *One-third* part of forfeitures recovered by him, which he is not hereby directed to pay to the Secretary of the Board and the Collector of each District, by the per centage by this Act allowed him, on levies to be made by him as aforesaid, on the certificate of the Warden of his District, and by the *One-third* of forfeitures recovered by him, which he is not hereby directed to pay to such Warden. 35

75.
Board may
mitigate For-
feitures or
Penalties.

THAT it shall be lawful for the Board to mitigate any of the forfeitures or penalties which may be incurred under this Act, provided that no such mitigation shall interfere with the right of the Collector of 40 of

of the Board, and the Collector of the District respectively, to recover any costs awarded to them, or the *One-third* of such forfeitures as are given to them respectively by this Act.

5 THAT for the better enabling the Board to carry into effect the provisions of this Act, they may from time to time, by writing under their seal, appoint as many Assistant Commissioners as they shall think fit, with power at any time to remove any Assistant Commissioner so appointed: Provided always, That there shall not at one time be more than *Four* such Assistant Commissioners receiving salaries under
10 this Act.

76.

Board may appoint Assistant Commissioners.

15 THAT the Board shall assign to each Assistant Commissioner the superintendence of as many Districts as they shall think fit, and shall give to each a seal, which shall be a fac simile of their own seal; and the Board shall pay to each Assistant Commissioner such reasonable sums for travelling or other expenses as they shall think fit; and such sums shall be considered as part of the incidental expenses of the Board, and the Assistant Commissioners shall in every thing act as the Board shall direct.

77.

Board shall assign Districts to Assistant Commissioners, and may pay Expenses.

20 THAT each Assistant Commissioner may, by summons under his seal, served on any Person living within any of the Districts so assigned to him as aforesaid, require such Person to attend before him at any place within the District in which he shall reside, within *Three Days* after the service of such summons, and any Person so summoned, and neglecting to attend, shall forfeit *Five Pounds*, to be recovered by the
25 Collector of the District within which he resides.

78.

Assistant Commissioners may summon Persons to attend before them.

30 THAT each Assistant Commissioner may examine any Person so summoned, touching any of the matters relating to the administration of this Act, and if he shall think fit, may require the Person so examined to write upon paper and sign his name to any part of the evidence he may give on such examination; and any Person who shall wilfully give false testimony shall forfeit *Ten Pounds*, to be recovered by the Collector of the district within which he shall be examined.

79.

Assistant Commissioners may examine Persons summoned.

35 THAT each Assistant Commissioner shall have power, by summons under his seal, served upon the Warden for the time being of any District assigned to his superintendence, to call upon such Warden to produce any documents which shall be in his possession, by virtue of this Act; and any Warden who shall refuse to produce such documents shall forfeit *Ten Pounds*, to be recovered by the Collector of the Board.

80.

Assistant Commissioners may call upon Wardens for Documents.

THAT no Commissioner or Assistant Commissioner of the Poor appointed under this Act, shall, while he continues in such appointment,

81.

Commissioners and Assistant Commissioners not to sit in Parliament.

be capable of being elected or sitting as a Member of The House of Commons.

82.
Remuneration
and Amount
of Securities
of Officers.

THAT each of the several Officers mentioned in Schedule (G.) annexed, shall be entitled to the remuneration set opposite to his name therein, and shall also give security to the amount set opposite to his name in the same Schedule, by himself and one Surety to be approved of by the Person or Persons in said Schedule respectively mentioned for that purpose; and no Officer shall take any other or greater fee or reward than is given him by this Act, on pain of forfeiting *Ten Pounds*, to be recovered by the Collector of the Board. 5 10

83.
Form of
Security to be
lodged with
Board.

THAT each security so given shall be in the form in Schedule (H.) annexed, and shall be exempt from all Stamp Duty, and shall, as soon as entered into, be transmitted to the Board by the Persons named for that purpose in Schedule (G.) respectively, within *One Fortnight* after the same being entered into, under pain of forfeiting *Twenty Pounds*, to be recovered by the Collector of the Board, to be deposited with such security so transmitted and kept by Board. 15

84.
How Security
to be put in
Suit.

THAT in case of breach of the condition in such security, the Board may sue on the same in the name of their Secretary or of such Person as they shall by warrant under their seal authorize thereto; and all damage recovered in such suit shall, after payment of costs incurred in such suit, be handed by the Board towards the Poor's Rate of the District, which shall have suffered loss by such breach, or if none shall have so done, then shall be retained by them as money come to their hands by virtue of this Act; and when the condition of any such security shall have been fulfilled to the satisfaction of the Board, it shall be cancelled and delivered up to either of the Persons bound thereby. 20 25

85.
Payment of
Salaries.

THAT the Salaries of all Officers under this Act, together with the incidental expenses of the Board, shall be paid, in the first instance, out of any monies which shall come to the hands of the Board by virtue of this Act, and if there shall be insufficient for the purpose, then so far as such deficiency shall extend out of monies to be advanced by order of the Lord Lieutenant from time to time as he shall think proper. 30 35

86.
Board may
make Orders
to carry this
Act into effect
according to
spirit thereof.

THAT where by any contingency not provided for by this Act, arising from change in the size of Districts or in any other manner, it could not, according to the strict wording thereof, be carried into effect, or if carried into effect according to the strict wording, would produce very great injustice and inconvenience; the Board may, with the approval of the Lord Lieutenant, to be signified by writing under his hand, 40

161

hand, make such order under their seal, to be observed in all respects by any Person or Persons to whom it shall be directed, and on whom it shall be served, under forfeiture, in case of neglect, of *Ten Pounds*, to be recovered by the Collector of the Board, as shall appear to them
 5 fitted to carry into effect this Act, according to the spirit and real meaning thereof: Provided always, That no order so made, shall impose upon any Person any forfeiture which would not, according to the strict meaning of this Act, be so imposed.

THAT the Board shall, on or before the *Thirty-first day of December*
 10 in each year, submit to the Lords of the Treasury, a general Report of their proceedings up to the *First day of December* in that year, which Report shall contain an account,—

Board to
account every
Year to Lords
of Treasury.

(1.) Of all Sums disbursed in any manner by or on account of the Board in pursuance of this Act, and of all receipts by the Board
 15 under this Act.

(2.) Of the receipts and disbursements in each District as transmitted to them by the Warden of such District.

(3.) Of all removals and appointments of any Person or Persons under this Act, which by this Act are required to be made by
 20 writing under seal of the Board, and the causes in case of dismissal of such dismissals.

(4.) Of all orders made by the Board in pursuance of the power contained in this Act, for the better carrying this Act into effect according to the spirit thereof.

(5.) Of all such other matters and things as they shall think
 25 desirable should be known by Parliament for the better regulation of the Poor of Ireland.

THAT such Report shall be laid before both Houses of Parliament within *Six Weeks* after the receipt of the same by the Lords of the Treasury, if Parliament shall be then sitting, and if not, then within *Six*
 30 Weeks after the meeting thereof.

88.

Report to be
laid before
Parliament.

THAT the Board shall at any time, when thereto required by the Lord Lieutenant by writing under his hand, transmit to him an account of any matter or thing, with their proceedings under this Act, which he shall require.

89.

Board to
report to Lord
Lieutenant,
when required.

THAT the Board may receive and send by the General Post, from and to places within Ireland, Letters and Packets relating exclusively to this Act, under such regulations as the Lords of the Treasury shall make: Provided that all Letters and Packets sent to the Board be signed with the name of the Person sending the same written in full, and that all Letters and Packets sent by the Board be signed by one of

90.

Board may
send and re-
ceive letters
free of Postage.

the Commissioners for the time being, and any Commissioner or other Person who shall permit to be sent under any cover signed by him, any paper or thing not exclusively relating to the Act, shall forfeit *Fifty* Pounds, one *moiety* thereof to the use of His Majesty, His heirs and successors, and the other *moiety* to the use of the Person who shall sue for and recover the same in any of His Majesty's Courts of Record in Dublin. 5

91.

Board to cause forms in Schedules to be printed, and copies of which deposited for sale.

THAT the Board shall cause as many Copies as they shall think necessary of the Forms in the Schedules to this Act annexed, to be printed and deposited with or given to the several Persons for whom the same are necessary under this Act, who shall distribute the same without fee to the Persons to whom the same are necessary under this Act; and the Board shall cause Copies of this Act to be printed and published and exposed for sale at some places in every county town in Ireland, at a price not exceeding *Sixpence* for each. 10 15

92.

Meaning of words in this Act.

THAT wherever by circumstances or by the context it shall be requisite for the purpose of carrying into effect the meaning and spirit of this Act, that the words should be so construed: "Lord Lieutenant" shall mean "Lord Lieutenant or other Chief Governor or Governors for the time being;" "Lords of the Treasury" shall mean "Lords Commissioners of His Majesty's Treasury for the time being;" "Commissioner" shall mean "Commissioner of the Poor of Ireland for the time being;" "Board" shall mean "Board of Commissioners for the Poor in Ireland for the time being;" "Warden" shall mean "Warden for the time being;" "District" shall mean "District under this Act;" "County" shall mean "County of a City," and "County of a Town;" "Barony" shall mean "Half Barony;" "Oath" shall mean "Affirmation of Separatist, Quaker or Moravian;" "Petty Sessions of such District" shall mean "The Petty Sessions of such District within the meaning of this Act," and words denoting the masculine or feminine gender shall be extended to denote the masculine or feminine respectively; or words denoting the singular or plural number shall be extended to mean the plural or singular respectively when the context shall require such extension. 20 25 30

93.

Act may be amended this Session.

THAT this Act may be amended, altered or repealed in the present Session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Mark of Reference by which separate Tenement is designated on Plan.	Parish or Parishes within which it is situated.	Townland or Townlands or other Division or Divisions, within which it is situated.	Class, in the Twelfth Section of this Act, to which it belongs.	Contents in British Statute Measure.	Annual Value.	Names of Occupiers.	Whether Occupiers joint, and if separate, the Value of Part held by each.	Names of immediate Landlords.	Whether immediate Landlords joint or separate, and if separate, Value of Part of which each is Landlord.
1	P	Townland of A. Townland of G. Ploughland of L.	3	A. R. P. 12 2 15	£. s. d. 10 11 3	M	£. s. d. 3 2 1	G	£. s. d. 19 3 2
29	X L	Townland of -	8	30 2 25	49 3 2	S	-	M P	30 - -
22	P Q R	Ploughland of X. Townland of P.	5	6 1 12	8 3 1	G H	Joint	Z X	Joint.

I certify, That the above is, as far as I have been able to ascertain, a correct Register of the several matters within the District of A —, concerning which I have made inquiry, in pursuance of an Act passed in the year of the reign of

To the Board of Commissioners for the Poor of Ireland.

(signed)

A. B., Valuator appointed by the Board.

SCHEDULE

9

8. That

8. That any Person willing to contribute the sum of One Pound towards the Poor's Rate of this District for the ensuing year, and who shall lodge the same with the said C. D. before the day on which he shall issue summonses for a general meeting of the Rate Payers for the ensuing year, shall have all the privileges of a Rate Payer under the aforesaid Act.

(signed) A. B.,
[Commissioner of Appeal for County
of C——.]

SCHEDULE (C.)

NOTICE of APPEAL.

District of A——, Barony of B—— County of C——.

I SHALL appeal to the Court of Appeal to be holden for this District on the day of , on the ground that [here state subject matter of Appeal.]

Dated this day of
(signed) [Name of Appellant.]

SCHEDULE (D.)

NOTICE of ADJOURNMENT of COURT of APPEAL.

District of A——, Barony of B——, County of C——.

Take Notice,

THAT the Court of Appeal for hearing Appeals by Persons feeling themselves aggrieved by any statement in the Register of of this District, has been adjourned till of the clock of the day of

Dated this day of
(signed) A. B., [Provisional Warden.]

SCHEDULE (E.)

NOTICE of GENERAL MEETING of RATE PAYERS.

District of A——, Barony of B——, County of C——.

Take Notice,

THAT a General Meeting of the Rate Payers for this District will be held on the day of , at or the purpose of electing from among the Rate Payers then present a Council for the administration of the Poor's Rate of this District for the ensuing year.

That the doors of the Meeting-room will be open at *Eleven* of the clock of the morning of that day, and all Persons wishing to be present

at such meeting, should be there before *half-past Twelve* of the clock of that day.

Note.—The following is a correct List of the Rate Payers in the District for the ensuing year :

NAMES.	PLACES of RESIDENCE.
A. B.	I——.
C. D.	

SCHEDULE (F.)

ROLL of POOR receiving RELIEF.

District of A——, Barony of B——, County of C——.

Name of Person receiving Relief.	Residence.	Cause which rendered him object of Relief.	Amount of Relief per diem.

(signed) M. L., Warden.

SCHEDULE (G.)

REMUNERATION of any OFFICERS under this Act, and Amount of Security (if any) to be given by them and their Sureties.

OFFICERS.	Remuneration.	Amount of Penalty to be inserted as the Security of Officer and his Surety.	Persons by whom Surety to be approved of.	Persons by whom Security to be sent to the Board.
Commissioner - - -				
Assistant Commissioner -				
Commissioner of Appeal -				
Provisional Warden - -				
Warden - - - -				
Collector of District - -				
Collector of Board - -				
Secretary of Board - -				
Clerks of Board - -				

SCHEDULE

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SCHEDULE (H.)

FORM of SECURITY referred to in ACT.

KNOW ALL MEN by these presents, That we [Name of Principal] of [Place of Residence of Principal] and [Name of Surety] of [Place of Residence of Surety] are held and firmly bound to the Board of Commissioners of the Poor of Ireland, in the sum of Pounds, [amount in Schedule (G.) respectively mentioned,] sterling to be paid to the said Board, or any Person authorized by Warrant under their Seal, to sue for or receive the same; for which payment to be well and faithfully made, we bind ourselves and each of us, and each of our heirs, executors and administrators and every of them, jointly and severally by these presents.

Now the condition of the above-written Obligation is such, that if the said [Principal] shall well and truly perform in manner directed by an Act passed in the _____ year of the reign of _____ intituled, "An Act to provide for the Division of Ireland into Districts for the purposes of Local Assessment, and to give relief in certain cases to the Poor within such Districts," all the duties devolved upon him by the said Act, and shall also well and truly account for all sums of money received by him, or which without his wilful default might and ought to have been received by him under and by virtue of the said Act, then the above-written Obligation to be void, or else to remain in full force.

(signed) [Principal] (L.S.)
[Surety] (L.S.)

Dated this _____ day of _____

Poor Relief (Ireland.)

A

B I L L

To provide for the Division of Ireland into Districts, for the purpose of Local Assessment, and to give Relief in certain Cases to the Poor within such Districts.

(Prepared and brought in by
Mr. William Smith O'Brien, Mr. Wyse,
and Mr. Sharnman Crawford.)

Ordered, by The House of Commons, to be Printed,
15 March 1836.



A

B I L L

To enable His Majesty to appoint Commissioners for executing the Duties of His Majesty's Postmaster General.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is expedient that the business hitherto transacted by His Majesty's Postmaster General should be placed under the joint management of certain persons to be appointed as hereinafter mentioned; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in case His Majesty, His heirs or successors shall at any time hereafter be graciously pleased by His or their Letters Patent to nominate and appoint any persons not exceeding in number to be Commissioners for executing the office and duties of His Majesty's Postmaster General, the business hitherto transacted and the powers exercised by the said Postmaster General, by whatsoever name or names of office the said officer is or hath been called or denominated in any Letters Patent, Act of Parliament or otherwise howsoever, shall from and immediately after such appointment, be jointly conducted and managed by such Commissioners so to be appointed as aforesaid, or by such other Commissioners not being less than nor more than at any one time as shall be hereafter from time to time named and appointed by His said Majesty, His heirs and successors in that behalf; and such Commissioners so to be appointed shall be and be called "The Commissioners of His Majesty's Post Office;" and that all acts, matters and things to be done by the said Commissioners so to be appointed as aforesaid, or by any of them, or (in cases where the same shall be so ordered by the Lord High Treasurer, or any *Three* or more of

Preamble.

1.

His Majesty empowered to appoint Commissioners for executing the Office of Postmaster General.

the Commissioners of the Treasury, according to the power herein contained by any one of them, shall be as valid and effectual to all intents and purposes as if the same had been done by the said Postmaster General in discharge of his official duties, or any of them; and that from and immediately after such appointment, all orders and directions and other acts, matters and things whatsoever which by virtue of any law, statute or usage in force or practice at the time of such appointment, are or may or ought to be made, done, performed or given by or to the said Postmaster General, may and shall be made, done, performed and given by and to the said Commissioners for the time being, or of such Commissioners, or (in cases wherein the same shall be so ordered by the Lord High Treasurer, or any *Three* or more of the Commissioners of the Treasury, according to the power herein contained,) by or to *One* only of such Commissioners; and such Commissioners shall have and exercise the same powers and duties in all things not hereby otherwise provided for, as the said Postmaster General lawfully had, and exercised or might exercise.

2.

Commissioners to act in accordance with directions of Commissioners of the Treasury.

Provided always, and be it further Enacted, That the said Commissioners so to be appointed as aforesaid, and every of them, shall from time to time observe, perform, fulfil and keep all and singular the orders, rules, instructions and directions, which from time to time shall be made or given to them or any or either of them by the Lord High Treasurer, or any *Three* or more of the Commissioners of His Majesty's Treasury for the time being, touching or concerning the execution and discharge of their said office, and the arrangement and division of the business of the same among the said Commissioners.

3.

Commissioners of the Treasury may alter the Number of Commissioners which is by this Act fixed for the performance of different acts and matters.

Provided also, and be it further Enacted, That it shall and may be lawful to and for the Lord High Treasurer, or any *Three* or more of the Commissioners of the Treasury for the time being, by Warrant under his or their hand or hands from time to time, and at all times hereafter, whensoever it shall by him or them be thought fit and expedient so to do, to order and direct all or any of the acts, matters or things which by this Act are required to be done or made by or to at the least of such Commissioners to be done or made by or to *One* only of such Commissioners; and every such order and direction as last aforesaid, shall be obeyed and observed by such Commissioners and all other persons whatsoever; and every act, matter or thing done or made by or to *One* only of such Commissioners, in pursuance of such order or direction, shall be as valid and effectual, to all intents and purposes, as if the same had been done or made by or to all such Commissioners; anything herein contained to the contrary notwithstanding.

Provided

671

5 Provided also, and be it further Enacted, That the Commissioners
so from time to time to be appointed as aforesaid, shall be subject
to all and every the provisions of any Act or Acts relating to the
duties required to be performed or exercised by the Postmaster
General, upon his appointment to or during his continuance in
office, and shall also be entitled to all the benefits and privileges
given by the said Acts or any of them, which shall be in force at the
time of any such appointment, and which the Postmaster General
would have been subject and entitled to if this Act and any appoint-
10 ment in pursuance thereof had not been made.

4.
Com-
mis-
sioners to be
subject to
Provisions of
all Acts
relating to the
Postmaster
General.

15 And be it further Enacted, That the person to be first named in
any appointment of Commissioners to be made from time to time
by virtue of this Act, may be elected and chosen, and may sit and
vote as a Member of the House of Commons of the United Parlia-
ment of Great Britain and Ireland, any thing in any Act or Acts
of Parliament to the contrary notwithstanding: Provided always,
That only *One* of such Commissioners shall be capable of being so
elected, or of so sitting and voting at the same time.

5.
The Person
who is first
appointed
Commis-
sioner may
sit in the
House of
Commons as
Member.

Post Office Commissioners.

A

B I L L

To enable His Majesty to appoint Commissioners for executing the Duties of His Majesty's Postmaster General.

(Prepared and brought in by
*Mr. Chancellor of the Exchequer and
Mr. Baring.*)

Ordered, by The House of Commons, to be Printed,
15 July 1836.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

For granting an additional Rate of Postage on Letters between
Great Britain and Ireland, by way of *Milford and Waterford*.

WHEREAS it is expedient to improve the communication Preamble.
by the Post between *Great Britain* and *Ireland* by way of
Milford and *Waterford*, and to provide security for the repayment of
the Principal and Interest of any Advances which may be made for that
5 purpose by the imposition of a small additional Rate of Postage on
Letters and Packets passing by that route; BE it therefore Enacted, by
The KING's most Excellent MAJESTY, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
10 THAT from and after the passing of this Act it shall and may be
lawful for the Postmaster General for the time being, and he is hereby
required to charge and levy on all Letters and Packets conveyed by
Post to and from *Great Britain* and *Ireland*, or to and from any part
beyond the Seas and *Ireland*, by way of *Milford* and *Waterford*, in
15 addition to the Rates and Duties now payable by Law for the Con-
veyance by the Post of such Letters and Packets, the Rates and Duties
following; (that is to say) for every Single Letter, the additional sum of
One Halfpenny; for every Double Letter, the additional sum of One
Penny; for every Treble Letter, or other Letter under an Ounce in
20 Weight, the additional sum of One Penny Halfpenny; and for every
Ounce in Weight, the additional sum of Two Pence, and so in propor-
tion for every Letter or Packet of greater weight than an Ounce,
reckoning every quarter of an Ounce equal to a Single Letter; and all
the powers and authorities given by Law for the recovery of the
Postage

Postage of Letters, shall be in force and applicable to the additional duties hereby imposed, and the same shall be charged, paid and regulated by and be subject to the same rules, regulations and exemptions as are now in force as to the Rates and Duties payable on such Letters.

5

2.
Additional
Rate to be
paid over to
Receiver-
General of
Post-Office
Revenues.

And be it further Enacted, That the sum and sums of Money arising from the additional Rates and Duties of Postage hereinbefore granted, shall be paid over from time to time to the Receiver General for the time being of the Revenue of the Post Office of *Great Britain*, who shall pay the same into the Receipt of His Majesty's Exchequer, when he shall pay into such Receipt the other Rates and Duties of Postage by him received; the necessary charges for paying, collecting and accounting for the said additional Rates and Duties, and the Monies to be paid to the Commissioners for the issue of Exchequer Bills as hereinafter mentioned, being first deducted, distinguishing the same in his accounts, and paying such sum and sums of Money for and on account of the *Milford Road Fund*; and the said sum and sums of Money so paid shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

10

15

3.
Commis-
sioners of
Public Works
to issue
Money for the
Repair of cer-
tain Roads.

AND whereas the Roads within the County of *Pembroke*, forming part of the communication by Post between *Great Britain and Ireland* by way of *Milford* and *Waterford*, as well as parts of the Road in the Counties adjoining the said County of *Pembroke*, are in an imperfect state, and it is expedient to improve the same, and to make new Lines of Road therein; BE it therefore Enacted, That it shall and may be lawful for the Commissioners for the issue of Exchequer Bills in aid of Public Works, to advance from time to time by way of loan to the Trustees for the time being of the said Roads, upon their application, such amount of Exchequer Bills, and on such terms and conditions, as to the said Commissioners shall seem fit to be advanced for the purpose of improving the said Roads, or making any new Lines of Road as to the Lords Commissioners of His Majesty's Treasury or any Three of them shall seem fit; and the said Tolls now collected or hereafter to be collected on the said Roads, or any such new Lines, subject only to such charges as the same may now be liable to, shall be charged with the repayment of all and every such advances and interest thereon; and if the said Tolls shall not be sufficient for that purpose, then the said additional Postages shall be charged with the repayment of such advances and interest, or so much thereof as the said Tolls shall be insufficient to pay; and the said Trustees for the time being of the said Roads are hereby authorized to assign the said Tolls, subject as aforesaid, to the Secretary for the time being of the said Commissioners for the issue of Exchequer Bills, for securing the payment of such advances and interest; and it shall be lawful for the said Lords Commissioners of the Treasury,

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sury, or any Three or more of them from time to time to direct the Receiver General for the time being of the Revenue of the Post Office of *Great Britain*, out of the produce of the said additional Rates of Postage in his hands, to pay such sums to the said Commissioners for
 5 the issue of Exchequer Bills, or their Secretary for their use, as may at any time be necessary to make good any deficiency in the said Tolls, to satisfy the payment of any such advances and interest, at the times and in the manner that shall be agreed upon for the payment of the same; and if there be not a sufficient amount of the produce of the
 10 said additional Rates of Postage in the hands of the said Receiver General, then it shall be lawful for the said Lords Commissioners, or any Three or more of them, to direct payment of so much as will make up such deficiency out of any money in the hands of the Receiver General of the Post Office: Provided always, That the said Receiver
 15 General shall have paid into the Receipt of the Exchequer so much of the produce of the said additional Postage as amounts to the sum so directed to be paid.

And be it further Enacted, That this Act may be altered, varied or repealed by any Act or Acts to be passed in this present Session of Parliament.

4.
 Act may be altered.

Postage Duties.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For granting an additional Rate of Postage
on Letters between Great Britain and
Ireland, by way of Milford and Waterford.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and Mr. Baring.)

Ordered, by The House of Commons, to be Printed,
20 May 1836.



A

B I L L

To consolidate and amend the Laws relating to the
Conveyance of Newspapers by the Post.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **E**R **E**A **S** the Laws now in force relating to the conveyance of Newspapers by the Post, are contained in various Acts of Parliament passed in a series of years, and it is expedient that the same should be consolidated and amended; **B**E **i**t therefore **E**nacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT so much of an Act passed in the fourth year of the reign of King **G**EORGE the Third, intituled, "An Act for preventing Frauds and Abuses in relation to the sending and receiving of Letters and Packets free from the Duty of Postage;" and of an Act passed in the ninth year of the reign of King **G**EORGE the Third, intituled, "An Act for discontinuing upon the Exportation of Iron imported in Foreign Ships, the Drawback of such part of the Duties payable thereon as exceeds the Duties payable upon Iron imported in British Ships; to prohibit the Exportation of Pig and Bar Iron and certain Naval Stores, unless the pre-emption thereof be offered to the Commissioners of the Navy; to repeal so much of an Act made in the Sixth Year of his present Majesty's Reign as discontinued the Drawback upon Foreign Rough Hemp exported; for providing a Compensation to the Clerks in the Office of the Principal Secretaries of State for the Advantages such Clerks enjoyed before the Commencement of an Act made in the Fourth Year of the Reign of his present Majesty, for preventing Frauds and Abuses in relation to the sending and receiving Letters and Packets free from

Preamble
recites,
That the Laws
relating to the
Conveyance of
Newspapers
by the Post
are contained
in various
Acts, and it is
expedient to
consolidate
and amend
them.

1.
The Act then
enacts,
That so much
of the 4 Geo. 3,
c. 24.
9 Geo. 3,
c. 35.

the Duty of Postage, and to explain and amend the said Act ;” and
 24 Geo. 3, of an Act passed in the twenty-fourth year of the reign of King
 c. 6. GEORGE the Third, intituled, “ An Act for establishing certain
 Regulations concerning the Postage and Conveyance of Letters and
 Packets by the Post between Great Britain and Ireland ;” and of an 5
 35 Geo. 3, Act passed in the thirty-fifth year of the reign of King GEORGE the
 c. 53. Third, intituled, “ An Act for further regulating the sending and
 receiving Letters free from the Duty of Postage ; for allowing non-
 commissioned Officers, Seamen and private Men in the Navy and
 Army, whilst on Service, to send and receive Letters at a low Rate of 10
 Postage, and for permitting Patterns and Samples of Goods to be
 transmitted by the Post at an easier Rate than is now allowed by
 42 Geo. 3, Law ;” and of an Act passed in the forty-second year of the reign
 c. 63. of King GEORGE the Third, intituled, “ An Act to authorize the
 sending and receiving of Letters and Packets, Votes, Proceedings in 15
 Parliament, and printed Newspapers by the Post, free from the Duty
 of Postage, by the Members of the Two Houses of Parliament of the
 United Kingdom, and by certain Public Officers therein named, and
 for reducing the Postage on such Votes, Proceedings and News-
 papers when sent by any other Persons ;” and of an Act passed in 20
 45 Geo. 3, the forty-fifth year of the reign of King GEORGE the Third, intituled,
 c. 11. “ An Act for granting certain additional Rates and Duties in Great
 Britain on the Conveyance of Letters ;” and of an Act passed in the
 59 Geo. 3, fifty-ninth year of King GEORGE the Third, intituled, “ An Act to
 c. 10. repeal so much of an Act passed in the Fifty-fifth Year of His present 25
 Majesty as relates to the Postage and Conveyance of Letters to and
 from the Cape of Good Hope, Ceylon, the Mauritius, and the East
 Indies, and to make other Regulations respecting the Postage of
 such Letters and Packets, and other Letters and Packets sent by
 the Post ;” and of an Act passed in the sixth year of the reign of 30
 6 Geo. 4, His late Majesty King GEORGE the Fourth, intituled, “ An Act to
 c. 68. regulate the Conveyance of Printed Votes and Proceedings in Parli-
 ament, and printed Newspapers by Packet Boats between Great
 Britain and Ireland and the British Colonies, and also in the United
 7 & 8 Geo. 4, Kingdom ;” and of an Act passed in the seventh and eighth years 35
 c. 21. of the reign of King GEORGE the Fourth, intituled, “ An Act to
 amend the Laws relating to the Duties of Postage in Great Britain
 and Ireland ;” and of an Act passed in the fourth and fifth years of
 4 & 5 W. 4, the reign of His present Majesty, intituled, “ An Act to regulate
 c. 44. the Conveyance of printed Newspapers by Post, between the 40
 United Kingdom, the British Colonies and Foreign Parts ;” and
 5 & 6 W. 4, of an Act passed in the fifth and sixth years of the reign of
 c. 25. His present Majesty, intituled, “ An Act to extend the Accom-
 modation by the Post to and from Foreign Parts, and for other
 Purposes relating to the Post Office,” as relates to the conveyance of
 Newspapers by the Post, shall from and after the *passing of this Act*,
 be

579

be Repealed, except so far as the same may repeal the whole or any part of any other Acts ; and except so far as respects any sums of money, arrears of duties, fines, penalties, forfeitures, matters or things, which at any time before the *passing of this Act*, shall have become
5 due or owing or recoverable, or been, had, made or done under or by virtue or in pursuance of any of the said Acts hereinbefore referred to, or any of the powers or authorities therein contained ; and all which sums of money, arrears of duties, fines, penalties, matters and things, shall and may be had, sued for, recovered, received and dealt
10 with as if this Act had not been passed ; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

And be it further Enacted, That from and after the *passing of this Act*, all printed Newspapers liable to the Stamp Duty, and duly stamped, shall and may be sent by the General Post to and from
15 any post towns and places within the United Kingdom *free* of the Duty of Postage.

2.
All Newspapers sent by the General Post within the United Kingdom to go free.

And be it further Enacted, That every printed Newspaper liable to the Stamp Duty, and duly stamped, addressed to any person within the United Kingdom, originally sent by the General Post
20 from one post town to another post town within the United Kingdom, and directed to places beyond the delivery of the General Post, and afterwards delivered by the Penny or Two-penny Post of any city, town or place, to which the same shall be sent ; and also every such Newspaper, originally sent by the Penny or Two-penny
25 Post of any city, town or place within the United Kingdom, and afterwards passing through the General Post from one post town to another post town within the United Kingdom, shall be delivered to the person or persons to whom the same shall be addressed within the said United Kingdom, *free* from all Duty of Postage whatsoever,
30 as well in respect of the said General as of the said Penny or Two-penny Post.

3.
All Newspapers sent through the General Post, and delivered by the Penny or Two-penny Post, and vice versa, to go free.

AND whereas it is expedient to authorize the Conveyance of Newspapers by the Two-penny Post at a reduced rate of Postage ; BE it therefore further Enacted, That all printed Newspapers liable
35 to the Stamp Duty, and duly stamped, which shall not have passed or be intended to pass through the General Post, shall and may be sent by the Penny or Two-penny Post of any city, town or place, within the United Kingdom, at the rate of *One Penny* each ; and that all printed Newspapers liable to the Stamp Duty, and duly stamped,
40 put into the Post Office or any General Post Receiving-house of any post town or place within the United Kingdom, addressed to any person within the limits of the same town or place, or the suburbs thereof, shall and may be sent and conveyed within such town or

4.
Newspapers sent by Two-penny Post only to pay 1d. ;

and may be sent within Post Towns at the like Rate.

place at the like rate of *One Penny* each; and the said respective Rates shall and may be demanded, had, received and taken by the Postmaster General, his deputy and deputies, to and for the use of His Majesty, His heirs and successors accordingly.

5.

Newspapers sent from the United Kingdom by Packets to the Colonies, to go free,

And be it further Enacted, That it shall and may be lawful to and for His Majesty's Postmaster General, and his deputy and deputies in the United Kingdom, to receive at any Post Office printed Newspapers liable to the Stamp Duty, and duly stamped for conveyance by packet-boats from the United Kingdom to any of His Majesty's Colonies and Possessions beyond the Seas, and to forward and convey the same accordingly *free* of the Duty of Postage; and for His Majesty's Postmaster General, and his deputy and deputies in His Majesty's Colonies and Possessions beyond the Seas, to receive Newspapers printed and published within such Colonies or Possessions for Conveyance by packet-boats to the United Kingdom, and to deliver the same by the Post within the United Kingdom *free* of the Duty of Postage.

Newspapers sent by Packets from the Colonies to the United Kingdom, to go free,

6.

Newspapers may be sent from one Colony to another Colony, via the United Kingdom, by Packet-boat free of Postage.

And be it further Enacted, That it shall be lawful to and for His Majesty's Postmaster General, and his deputy and deputies, in any of His Majesty's Colonies and Possessions beyond the Seas, to receive Newspapers printed and published within such Colonies or Possessions for conveyance by packet-boats directed to any person or place within any other of His Majesty's Colonies or Possessions beyond the Seas, to pass through the United Kingdom, and the same shall be forwarded and conveyed accordingly *free* of the Duty of Postage.

7.

Newspapers sent from the United Kingdom to the Colonies by Private Ships, to pay 1 d.

And be it further Enacted, That it shall and may be lawful for His Majesty's Postmaster General, and his deputy and deputies in the United Kingdom, to receive at any Post Office printed Newspapers liable to the Stamp Duty and duly stamped, directed to places within any of His Majesty's Colonies and Possessions beyond the Seas, and to forward the same by any Ships or Vessels that he in his discretion may think fit (not being packet-boats) and to demand, have, receive and take for every Newspaper which shall be delivered to him or his deputies for conveyance in manner last aforesaid, the sum of *One Penny*.

8.

Newspapers brought into the United Kingdom from the Colonies by Private Ships to pay 1 d.

And be it further Enacted, That it shall be lawful for His Majesty's Postmaster General and his deputy and deputies, for the use of His Majesty, His heirs and successors, to demand, have, receive and take for the conveyance of every Newspaper printed within His Majesty's Colonies or Possessions beyond the Seas, and brought into the United Kingdom by any ship or vessel (other than a packet-boat)

boat) and delivered by the Commander of any such ship or vessel at any Post Office, the sum of *One Penny* on delivery thereof within the United Kingdom, to the person to whom the same shall be addressed.

5 And be it further Enacted, That it shall and may be lawful for His Majesty's Postmaster General, and his deputy and deputies in the United Kingdom, to receive at any Post Office printed Newspapers liable to the Stamp Duty and duly stamped for conveyance by packet-boats or by any ship or vessel other than a packet-boat, from the United Kingdom, to any port out of the United Kingdom (other than His Majesty's Colonies and Possessions beyond the Seas), and to demand, have, receive and take for the conveyance of every such Newspaper to any Foreign Port, the sum of *Two-pence*, to be paid when the same shall be put into the Post Office, and also to demand, have, receive and take for every Newspaper printed in any Kingdom or State beyond the Seas (other than His Majesty's Colonies and Possessions), and brought into the United Kingdom by packet-boats, or by any ship or vessel other than a packet-boat, and delivered by the Commander of any such last-mentioned ship or vessel at any Post Office within the United Kingdom (if printed in the language of the Foreign Kingdom or State from which the same shall be forwarded, but not otherwise) the sum of *Two-pence*, on delivery thereof to the person to whom the same shall be addressed, over and above and in addition to any Postage charged thereon by any Foreign Post Office.

9.
Newspapers
to or from
Foreign Coun-
tries to pay
2d.

And be it further Enacted, That in case satisfactory proof shall be laid before the Postmaster General that Newspapers printed and published within the United Kingdom, addressed to any person or place within any Foreign Kingdom or State, are allowed to pass by the Post within any such Foreign Kingdom or State free of Postage, and also that Newspapers addressed to any person or place in the United Kingdom from any such Foreign Kingdom or State, are allowed to pass by the Post within such Foreign Kingdom or State free of Postage, it shall be lawful for the said Postmaster General and his deputy and deputies, after such satisfactory proof shall be so laid before him, to receive at any Post Office printed Newspapers liable to the Stamp Duty, and duly stamped, addressed to any person or place in any such Foreign Kingdom or State, for conveyance by packet-boats from the United Kingdom to any port out of the United Kingdom other than His Majesty's Colonies and Possessions, and to forward the same accordingly, *free* from the Duty of Postage; and also to receive from any such Foreign Kingdom or State printed Newspapers sent by packet-boats, addressed to any person or place within the United Kingdom, and deliver the same *free* from the

10.
Proviso in
case satisfac-
tory proof is
given that any
Foreign State
receives or
sends News-
papers to or
from the
United King-
dom free of
Duty, then no
Duty to be
charged on
Newspapers
to or from
such State, if
by Packet-
boat;

or if by other
Vessels, then
only 1*d.*

Duty of Postage (provided that such Newspapers be printed in the language of the Foreign Kingdom or State from which the same shall be forwarded, but not otherwise); and also to receive at any Post Office printed Newspapers liable to the Stamp Duty, and duly stamped, for conveyance by ships or vessels other than packet-boats, to any port out of the United Kingdom other than His Majesty's Colonies and Possessions, and to forward the same accordingly, and to demand, have, receive and take for every Newspaper which shall be delivered to him, or his deputy or deputies, for conveyance in manner last aforesaid, the sum of *One Penny* only, to be paid when the same shall be put into the Post Office; and also to demand, have, receive and take for every Newspaper printed in any Kingdom or State beyond the Seas (other than His Majesty's Colonies and Possessions), and brought into the United Kingdom by any ship or vessel other than a packet-boat, and delivered by the Commander of any ship or vessel at any port within the United Kingdom (if printed in the language of the Foreign Kingdom or State from which the same shall be forwarded, but not otherwise), the sum of *One Penny* only, on delivery thereof within the United Kingdom to the person to whom the same shall be addressed.

11.
One Penny
to be paid
Masters of
private Ships
for each
Newspaper.

And be it further Enacted, That it shall be lawful for the Postmaster General to allow and pay the Masters and Commanders of ships and vessels other than packet-boats, the sum of *One Penny* on every printed Newspaper which shall be brought into the United Kingdom from any port or place out of the United Kingdom under the provisions of this Act, and be delivered by them at the Post Office of the post town at which they shall touch or arrive, and the like sum of *One Penny* on every printed Newspaper which shall be delivered by the Postmaster General or his deputies to any such Masters or Commanders for conveyance to any port or place out of the United Kingdom under the provisions of this Act.

12.
Further Pro-
viso, autho-
rizing the
Postmaster
General, not-
withstanding
any Postage
charged on
Newspapers
by Foreign
States, to send
Newspapers
to any such
Foreign State
by Packets
free of Duty,
and by Private
Ships for 1*d.*
each;

And be it further Enacted, That notwithstanding the several enactments hereinbefore contained, and notwithstanding any rate of Postage which may be payable within any Foreign Kingdom or State on Newspapers sent to or received from the United Kingdom, it shall and may be lawful for the Postmaster General, and his deputy and deputies in the United Kingdom, in such cases as the Postmaster General, with the consent of the Lords Commissioners of His Majesty's Treasury, or any *Three* or more of them, signified by writing under their hands, or under the hand of any One of the Secretaries or Assistant Secretaries to the Treasury for the time being, shall deem expedient, to forward printed Newspapers liable to the Stamp Duty, and duly stamped, addressed to any such Foreign Kingdom or State from the United Kingdom to any Foreign Port by packet-boat

boat, free from any Duty of Postage, and by any ship or vessel other than a packet-boat, at the aforesaid rate of *One Penny* each, and to receive from any such Foreign Kingdom or State printed Newspapers, addressed to any person or place within the United Kingdom, and deliver the same (if sent by packet-boat) *free* from the Duty of Postage; and if sent by any ship or vessel other than a packet-boat, then at the aforesaid rate of *One Penny* each; provided such last-mentioned Newspapers be printed in the language of the Foreign Kingdom or State from which the same shall be forwarded, or in any of the said cases, at the option of the Postmaster General, to demand, receive and take for every Newspaper so forwarded to or received from any Foreign Kingdom or State in which any Postage shall be payable on Newspapers sent to or received from the United Kingdom, and whether sent by packet-boat or by any ship or vessel other than a packet-boat, such a rate or rates of Postage as the Postmaster General shall or may, with such consent as aforesaid, consider equal in amount or equivalent to the rate or rates of Postage from time to time payable within any such Foreign Kingdom or State on Newspapers sent to or received from the United Kingdom, and to be (in case such Newspapers shall be sent by any ship or vessel other than a packet-boat) in addition to the aforesaid rate of *One Penny* chargeable on each such Newspaper.

and to receive and deliver Newspapers sent from any such Foreign State by Packets free, and by Private Ships at 1d. each;

or to charge an equivalent Duty on such Newspapers.

AND whereas circumstances may arise which may render it expedient again to impose and demand the said respective rates of *Two-pence* hereinbefore granted, after the same or some part thereof shall have ceased to be demanded by the Postmaster General; NOW be it further Enacted, That it shall be lawful for His Majesty's Postmaster General, by and with the consent of the Lords Commissioners of His Majesty's Treasury, or any *Three* or more of them, signified as aforesaid, at any time after any of the respective rates of *Two-pence*, payable on Newspapers sent or brought to or from the United Kingdom from or to any Foreign Kingdom or State by packet-boats, or sent or brought to or from the United Kingdom from or to any Foreign Kingdom or State by any ships or vessels not being packet-boats as aforesaid, or any part thereof, shall have ceased to be demanded by the Postmaster General, again to impose, demand and receive the said respective rates of *Two-pence* for the conveyance of any such printed Newspaper to any foreign port by packet-boat or other ship or vessel as aforesaid; and on the delivery of any such printed Newspaper brought from any Foreign Kingdom or State by packet-boat or other ship or vessel, whenever it shall be deemed expedient so to do.

13.
Power for the Postmaster General again to impose the said Rates of 2d.

And be it further Enacted, That it shall be lawful for His Majesty's Postmaster General, in his discretion, with the consent of the Lords

14.
Power to extend the provisions of this Act to News-

papers sent
from or to any
of the Colo-
nies to or
from any Fo-
reign King-
dom or State,
via the United
Kingdom.

Commissioners of His Majesty's Treasury, or any *Three* or more of them, signified by writing under their hands, or under the hand of any one of the Secretaries or Assistant Secretaries to the Treasury for the time being, to extend all and every the provisions, exemptions, clauses, duties, payments, penalties, forfeitures, regulations and enactments, matters and things in this Act contained or referred to relative to Newspapers, and to or from the United Kingdom, from or to any Foreign Kingdom or State, to Newspapers printed and published in any of His Majesty's Colonies or Possessions beyond the Seas, and sent through the United Kingdom to any Foreign Kingdom or State, and to Newspapers printed and published in any Foreign Kingdom or State, and sent through the United Kingdom to any of His Majesty's Colonies and Possessions beyond the Seas; any thing to the contrary thereof in anywise notwithstanding.

15.
Newspapers to
be sent with-
out a cover,
or in a cover
open at the
sides.

And be it further Enacted, That no Newspaper shall be sent by the Post under the provisions of this present Act unless every such Newspaper shall be sent without a cover, or in a cover open at the sides, so that the same may be duly examined.

16.
No writing or
marks.

And be it further Enacted, That no words or communication shall be printed on any such Newspaper after the same shall have been published, nor any writing or marks be put or placed upon any such Newspaper, or the cover thereof, nor any printed words or communication be put or placed on the cover thereof, other than the name and address of the person to whom it is sent, and no letter, paper or thing shall be enclosed or concealed in or with such printed Paper, or the cover thereof.

17.
To be put into
Post Office
within Seven
days after
date, if going
out of the
United King-
dom.

And be it further Enacted, That every printed Newspaper to be sent out of the United Kingdom under the provisions of this Act, shall in all cases be put into a Post Office or Receiving House in the United Kingdom, within *Seven Days* next after the day on which the same shall be published (the day of publication to be ascertained by the date of such Paper); and in case any such Paper shall be put into any Post Office at any time after the expiration of such *Seven Days*, it shall and may be lawful for His Majesty's Postmaster General, or his Deputy or Deputies, at his or their discretion, either to detain any such Paper or to forward the same by the Post, charged with the full Duty of Letter Postage, according to the rates now established by law.

18.
Power for the
Postmaster
General to
search, &c.;

And be it further Enacted, That it shall be lawful for His Majesty's Postmaster General, and his Deputy or Deputies, and any Officers of the Post Office employed under him or them respectively, to examine and search any printed Newspaper which under the provisions

of

of this Act shall be sent by the Post without a cover, or in a cover open at the sides as aforesaid, in order to discover whether any words or communication have or has been printed on such Paper after the same was published, or whether there is any writing or mark upon
 5 such printed Newspaper or the cover thereof, or any printed words or communication on the cover thereof, other than the name and address of the person to whom it is sent, or whether there is any paper or thing enclosed or concealed in or with such printed Newspaper or the cover thereof, and also to ascertain in what language
 10 any Newspaper brought into the United Kingdom from any Foreign Kingdom or State shall be printed, and also in order to discover whether Newspapers printed and posted in the United Kingdom are duly stamped; and in case any words or communication shall be found to have been printed on any such Paper after the same was
 15 published, or any writing or mark shall be found on any such printed Paper or the cover thereof, or any printed words or communication shall be found on the cover thereof, other than the name and address of the person to whom it is sent, or any other paper or thing shall be found to be enclosed or concealed in or with such
 20 printed Paper or the cover thereof as aforesaid, the whole of every such Newspaper addressed and delivered to any person within the United Kingdom shall be charged with *treble* the Duty of Letter Postage, according to the rates now established by law; and as to every such Paper going out of the United Kingdom, it shall be lawful
 25 for the Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such Paper or to forward the same by the Post, charged with *treble* the Duty of Letter Postage; and in case any Newspaper printed and posted in the United Kingdom, and sent by the Post under the provisions of this Act, shall appear
 30 not to have been duly stamped, the same shall be stopped and sent to the Commissioners of Stamps either at London or Dublin, as the case may be.

and to charge
treble Post-
age, &c.

AND in order to prevent frauds on the Revenue of the Post Office, BE it further Enacted, That if any person shall enclose or conceal,
 35 or cause or procure to be enclosed or concealed in any Newspaper sent or to be sent by the Post, any letter, paper or thing, or shall print or cause to be printed any words or communication upon any such Newspaper, after the same shall have been published, or upon the cover thereof, or put or place, or cause to be put or placed, any
 40 writing or marks upon any such Newspaper, or the cover thereof, other than the name and address of the person to whom it is sent, or shall knowingly send or cause to be sent by the Post, or tender or deliver in order to be sent by the Post, any Newspaper having enclosed or concealed therein any letter, paper or thing, or having any words or communication printed on such Paper, after the same

19.
Sender to be
liable to treble
Duty, on at-
tempt to evade
the Duty of
Postage.

was published, or on the cover thereof, or having any writing or marks upon such Newspaper or the cover thereof, other than the name and address of the person to whom it is sent, every person so offending shall forfeit and pay to His Majesty, His heirs and successors, such a sum of money as will be equal to *treble* the Duty of Letter Postage, which, according to the rates established by law for the conveyance of Letters by the Post, would have been payable on such Newspaper or Packet, in case the same had been a letter sent by the Post, which *treble* Duty shall be recovered and recoverable, with costs, in the same manner as any sums due for Postage, not exceeding *Twenty* Pounds, are hereinafter directed to be recovered, or such person shall, at the option of the Postmaster General, be prosecuted for a *Misdemeanor*.

20.

Newspapers to be subject to the Postmaster General's directions.

And be it further Enacted, That all printed Papers to be conveyed by the Post under the provisions of this Act, shall be delivered to the Postmaster General or his deputy or deputies, at such hours in the day and under all such regulations as the Postmaster General shall, in his discretion, from time to time appoint.

21.

Not compulsory to send Newspapers through the Post.

And be it further Enacted, That nothing herein contained shall be construed to oblige any person or persons to send any printed Newspapers through His Majesty's Post Office, but that it shall and may be lawful for all persons to send any such printed Newspapers in any manner they may find practicable or convenient.

22.

Newspapers re-directed, to be forwarded free of Postage if not opened.

And be it further Enacted, That in case any person to whom any printed Newspaper brought into the United Kingdom under the provisions of this Act shall be directed, shall have removed from or quitted the place to which such Newspaper shall be addressed prior to the delivery thereof at such place, any such Newspaper, on arriving or delivery at the place of its address, shall and may (provided the same shall not have been opened or used, but not otherwise) be re-directed and forwarded by the Post to such person at any other place within the United Kingdom, free of any charge for such extra conveyance; but if any such Newspaper shall have been opened or used, the same shall on re-direction be charged and chargeable with the rate of a single Letter from the place at which such Newspaper shall be re-directed or re-posted, to the place at which it shall be ultimately delivered.

23.

Application of Monies.

And be it further Enacted, That the several Rates and Duties hereinbefore granted shall be paid from time to time into the hands of the Receiver General for the time being in England and Ireland of the Revenue of the Post Office, who shall pay the same (the necessary charges for collecting, paying and accounting for the same

same being first deducted), into the receipt of His Majesty's Exchequer on such days and times and in such manner as the Rates and Duties of Postage, by any Act or Acts in force at or immediately before the *passing of this Act*, are directed to be paid; and the said
 5 Duties so to be paid into the said receipt as aforesaid shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

And be it further Enacted, That all sums of money not exceeding *Twenty Pounds*, which shall be due from any person in Great
 10 Britain or Ireland under this Act, for the Postage of any Newspaper or Packet, or which shall be due from any Deputy, Agent or Letter Carrier in Great Britain or Ireland, for the post of any Newspapers or Packets to him intrusted for delivery under the authority of the Postmaster General, or from any other person or persons employed
 15 or to be employed in receiving or collecting the postage of Newspapers and Packets payable under the provisions of this Act, shall and may be recovered and recoverable by distress or otherwise, in like manner in all respects as in and by the said recited Act of the fifth and sixth years of the reign of His present Majesty is pro-
 20 vided for the recovery of sums of money not exceeding *Twenty Pounds* due or owing to the Revenue of the Post Office.

24.
 Recovery of
 sums under
 20 l.

And be it further Enacted, That wherever the term "Postmaster General" occurs in this Act, the same shall be construed to mean and include the Postmaster General for the time being; and that
 25 wherever the term "Officer of the Post Office" occurs in this Act, the same shall be construed to mean and include any Deputy, Agent, Officer, Clerk, Letter Carrier or other person employed by or under the Post Office, whatever may be his particular office or employment; and that wherever the term "Packet Boat" occurs
 30 in this Act, the same shall be construed to include any Ship or Vessel by which the Postmaster General shall contract or agree, or have contracted or agreed for the conveyance of Mails of Letters, as well as Packet Boats belonging to or hired by the Crown; and that wherever the term "His Majesty's Colonies and Possessions beyond
 35 the Seas" occurs in this Act, the same shall be construed to include every port and place within the territorial acquisitions now vested in the East India Company, in trust for His Majesty, His heirs and successors, the Cape of Good Hope, and the Islands of Saint Helena, Guernsey, Jersey and Isle of Man, as well as His
 40 Majesty's other Colonies and Possessions beyond the Seas; and that wherever in this Act, with reference to any person, matter or thing, any word or words is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood to include several persons as well as one person,

25.
 Explanatory
 Clause.

females as well as males, bodies corporate or politic as well as individuals, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

26.

Disputes to be
referred to the
Postmaster
General.

And be it further Enacted, That in all cases in which any dispute, 5
controversy or question shall arise whether any printed Paper sent or
offered to be sent by the Post under the provisions of this Act is to
be considered and deemed a Newspaper within the intent and
meaning of this Act, or whether any such printed Paper is entitled 10
to the exemptions and privileges of a Newspaper, so far as to autho-
rize the transmission of the same by the Post, *free* of Postage, or
subject to such reduced rate of postage as herein provided, the
question shall be referred to the judgment and determination of
the Postmaster General, whose decision, with the concurrence of any
Three or more of the Lords Commissioners of His Majesty's 15
Treasury, signified as aforesaid, shall be final and conclusive on all
persons whomsoever.

27.

Limitation of
Actions.

And be it further Enacted, That all actions and prosecutions
which shall be brought or commenced against any person for any
thing done in pursuance or under the authority of this Act, shall 20
be commenced and prosecuted within *Three* calendar Months next
after the fact committed and not afterwards, and shall be brought
and tried in the county or place where the cause of action shall arise
and not elsewhere, and notice of writing of such action, and of the
cause thereof, shall be given to the defendant *One* calendar Month at 25
least before the commencement of the action, and the defendant in
such action may plead the General Issue, and give this Act and any
other matter or thing in evidence at any trial to be had thereupon,
and if the cause of action shall appear to arise from any matter or
thing done in pursuance and by the authority of this Act, or if any 30
such action shall be brought after the expiration of such *Three*
calendar Months, or shall be brought in any other court or place
than as aforesaid, or if notice of such action shall not have been
given in manner aforesaid, or if tender of sufficient amends shall have
been made before such action commenced, or if a sufficient sum of 35
money shall have been paid into court after such action commenced
by or on behalf of the defendant, the jury shall find a verdict for the
defendant; or if a verdict shall pass for the defendant, or if the plaintiff
shall become nonsuit, or shall discontinue any such action, or if,
upon demurrer or otherwise, judgment shall be given against the 40
plaintiff, the defendant shall recover his full costs of suit as between
attorney and client, and shall have the like remedy for the same as
any defendant may have for costs of suit in other cases at law; and
although a verdict shall be given for the plaintiff in any such action,
such

such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be had shall, at the time of such trial, certify in writing his approbation of the action, and of the verdict obtained thereupon.

- 5 And be it further Enacted, That this Act may be altered, varied or repealed by any Act or Acts to be passed in this present Session of Parliament.

28.
Act may be
altered, &c.

Postage on Newspapers.

A

B I L L

To consolidate and amend the Laws relating to
the Conveyance of Newspapers by the Post.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Mr. Baring.)

Ordered, by The House of Commons, to be Printed,
18 July 1836.

8 July 1836.—7 WILL. IV.



A

B I L L

To transfer the Collection and Management of the Duties in Great Britain on Horses let for Hire, and on Licenses relating to the same, from the Commissioners of Stamps and Taxes to the Commissioners of Excise.

Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH E R E A S by an Act passed in the second and third years of the reign of His present Majesty, intituled, “An Act to repeal the Duties under the Management of the Commissioners of Stamps on Stage Carriages and on Horses let for Hire in Great Britain, and to grant other Duties in lieu thereof, and also to consolidate and amend the Laws relating thereto,” certain Duties in Great Britain were, amongst others, granted for and in respect of every Horse let for hire, as in the said Act is mentioned, and for every License relating to the same, which Duties were thereby placed under the management of the Commissioners of Stamps, and were denominated and deemed to be Stamp Duties: AND whereas by an Act passed in the fourth and fifth years of his said Majesty’s reign, intituled, “An Act to amend the Laws relating to the Land and Assessed Taxes, and to consolidate the Boards of Stamps and Taxes,” it was, amongst other things, enacted, that the several persons appointed as therein mentioned Commissioners of Stamps for the United Kingdom of Great Britain and Ireland, and Commissioners for the Affairs of Taxes in Great Britain respectively should be and become one consolidated Board of Commissioners, and be called “The Commissioners of Stamps and Taxes,” and that from thenceforth all the several Duties, matters and things which then were collected by or under the care and management of the said Commissioners of Stamps, and of the said Commissioners for the Affairs of Taxes, respectively should be collected

Preamble :
2 & 3 Will. 4.
c. 120.

4 & 5 Will. 4.
c. 60.

419.

collected by and should be under the care and management of the Commissioners of Stamps and Taxes in the same manner as such Duties, matters and things respectively had theretofore been collected by or had been under the care and management of the said Commissioners of Stamps, and of the said Commissioners for the Affairs of Taxes respectively : AND whereas it is expedient to transfer the collection and management of the said Duties on Horses let for hire, and on Licenses relating to the same from the said Commissioners of Stamps and Taxes to the Commissioners of Excise ; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *Thirty-first day of January One thousand eight hundred and Thirty-seven*, the care and management of the Rates and Duties granted and made payable by the said first recited Act in and throughout Great Britain, for and in respect of every Horse let for hire, and every License relating to the same, and mentioned and described in the said Schedule (A.) to the said Act annexed, shall be and the same are hereby transferred from the Commissioners of Stamps and Taxes to the Commissioners of Excise in Great Britain for the time being ; and the said Rates and Duties shall thenceforth be denominated and deemed to be Duties of Excise, and shall be raised, levied, collected and paid, and accounted for by and under the authority, care and management of the said Commissioners of Excise.

1.
From 31st
January 1837,
the care and
management
of the Duties
on Horses let
for hire, and
on Licenses
relating to the
same, trans-
ferred from
the Commis-
sioners of
Stamps and
Taxes to the
Commission-
ers of Excise.

2.
Powers, &c.
of 2 & 3 Will.
4. c. 120, to
be executed
by the Com-
missioners of
Excise, and
Powers, &c. of
Excise Acts
to be of full
force for col-
lecting the
Duties trans-
ferred.

And be it further Enacted, That all the powers, provisions, regulations and directions contained in the said first recited Act shall be executed and enforced by the Commissioners of Excise and their Officers respectively, for securing and collecting the said Duties as fully and effectually as if such powers, provisions, regulations and directions had been originally given to the said Commissioners of Excise and their Officers respectively, and as if the same were repeated and re-enacted in this Act ; and that all the powers, provisions, regulations and directions, forfeitures, pains and penalties contained in and imposed by the said Act, and all the provisions, powers, regulations and directions, forfeitures, pains and penalties contained in and imposed by any Act or Acts in force immediately before the *passing of this Act*, in relation to any of the Duties of Excise, so far as such last-mentioned provisions, powers, regulations, directions, forfeitures, pains and penalties shall be applicable to the said Duties on Horses let for hire, or on Licenses relating to the same, and so far as the same shall not be inconsistent with the special powers, provisions, regulations and directions, forfeitures, pains and penalties contained in the said first recited Act, shall be of full force and effect, and shall be applied and put in execution for securing, collecting, recovering and paying the said last-mentioned Duties, and for preventing, detecting and punishing all frauds, forgeries

geries and other offences relating thereto as fully and effectually to all intents and purposes as if such powers, provisions, regulations and directions, forfeitures, pains and penalties were repeated and specially enacted in this Act; and wherever in the said first recited Act the

5 Head Office for Stamps, or the Solicitor of Stamps in England or Scotland respectively, or any Officer of Stamp Duties is mentioned, or designated, the same shall, so far as relates to the Duties on Horses let for hire, and on Licenses relating to the same, be deemed and taken to mean the Chief Office of Excise in London, the Solicitor of Excise in

10 England or in Scotland, as the case may be, and any Officer of Excise respectively.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prevent the Commissioners of Stamps and Taxes, or any Collector or other

15 person appointed by them, or any Farmer of the said Duties on Horses let for hire, under any demise or contract which shall be existing on the said *Thirty-first day of January One thousand eight hundred and Thirty-seven*, or any assignee of such Farmer, from doing or causing to be done at any time after the said *Thirty-first day of January*, all or any such

20 acts, matters and things whatsoever, as shall or may be necessary or expedient for raising, levying, collecting, recovering and paying all or any of the Duties on Horses let for hire, and on Licenses to let such Horses, and all penalties and forfeitures relating thereto, which shall accrue due or be incurred respectively on or before the said *Thirty-first day of*

25 *January*; and all or any sum or sums of money due and payable to His Majesty, His heirs or successors, in respect of any of such Duties or penalties, but that all such Duties, sum and sums of money, and all penalties and forfeitures whatsoever in relation thereto, shall and may be raised, levied, collected, sued for, recovered and paid, by the same ways

30 and means and in such and the same manner in all respects as if this Act had not been passed.

3.
Proviso for
collecting
Duties ac-
crued before
31st January
1837.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

4.
Act may be
altered or re-
pealed this
Session.

Post Horse Duties.

A

B I L L

To transfer the Collection and Management of the Duties in Great Britain on Horses let for Hire, and on Licenses relating to the same, from the Commissioners of Stamps and Taxes to the Commissioners of Excise.

(Prepared and brought in by
*Mr. Chancellor of the Exchequer and
Mr. Baring.*)

*Ordered, by The House of Commons, to be Printed,
8 July 1836.*



A

B I L L

For enabling Prisoners to make their Defence by Counsel or Attorney.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS it is just and reasonable that Persons accused of Offences against the Law, should be enabled to make their full Answer and Defence to all that is alleged against them; **B**E it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, all Persons tried for Felonies shall be admitted, after the close of the case for the Prosecution, to make full Answer and Defence thereto by Counsel learned in the Law.

Preamble.

And be it further Enacted, That in all such cases of Felony (and likewise in all cases of Treason, Misprision of Treason and Misdemeanor), if, after the close of the case for the Person or Persons accused, the Counsel for the Prosecution shall make any reply, the Counsel for the Person or Persons accused shall be admitted to answer it.

1.
In cases of Felony, Counsel may speak for the accused.

2.
If Counsel for Prosecution replies, Counsel for the accused may answer.

And be it further Enacted, That on all Trials for Felony or Misdemeanor, if the Person or Persons accused be without the means of retaining Counsel, they may request the Judge or presiding Officer of the Court before whom the Trial shall be had, to assign Counsel to defend them; and such Judge or presiding Officer shall, with the consent of such Counsel, assign him or them to conduct the Defence of the Person or Persons accused, without fee or reward.

3.
In case of inability of Prisoners to retain Counsel, the Court may assign Counsel without Fee or Reward.

4.

Persons accused before Justices may defend by Attorney, as well as by Counsel.

And be it further Enacted, That all Persons accused before any Justice or Justices of the Peace of any Offence against the Law, shall be admitted to make their Answer and Defence to such accusation, and to have any Witnesses examined or cross-examined by Counsel or by Attorney attending on their behalf.

5

5.

Act may be amended.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

Prisoners' Counsel.

A

B I L L

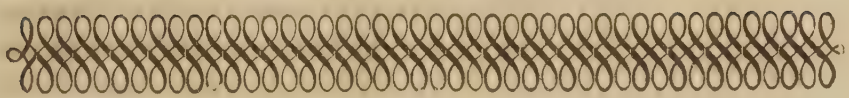
For enabling Prisoners to make their Defence by Counsel or Attorney.

(Prepared and brought in by Mr. Ewart and Mr. Charles Buller.)

Ordered, by The House of Commons, to be Printed,
12 February 1836.

18.

23 February 1836.—6 WILL. IV.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

For enabling Prisoners to make their Defence
by Counsel or Attorney.

[N. B.—The Clauses marked (A.) & (B.) were added by the Committee.]

WHEREAS it is just and reasonable that Persons accused of Offences against the Law, should be enabled to make their full Answer and Defence to all that is alleged against them; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** from and after the passing of this Act, all Persons tried for Felonies shall be admitted, after the close of the case for the Prosecution, to make full Answer and Defence thereto by Counsel learned in the Law.

And be it further Enacted, That in all such cases of Felony, and likewise in all cases of Treason, Misprision of Treason and Misdemeanor, if, after the close of the case for the Person or Persons accused, the Counsel for the Prosecution shall make any reply, the Counsel for the Person or Persons accused shall be admitted to answer it.

And be it further Enacted, That all Persons accused before any Justice or Justices of the Peace of any Offence against the Law, shall be admitted to make their Answer and Defence to such accusation, and to have any Witnesses examined or cross-examined by Counsel or by Attorney attending on their behalf.

Preamble.
1. In cases of Felony, Counsel may speak for the accused.
2. If Counsel for Prosecution replies, Counsel for the accused may answer.
3. Persons accused before Justices may defend by Attorney, as well as by Counsel.

4.

CLAUSE (A.)
Copies of De-
positions to
be allowed to
Prisoners.

And be it further Enacted, That all Persons who after the passing of this Act shall be held to bail or committed to prison for any offence against the law, shall be entitled to require and have on demand (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same), Copies of the examinations of the Witnesses respectively upon whose depositions they have been so held to bail, or committed to prison, on payment of a reasonable sum for the same, not exceeding Four-pence for each folio of One hundred Words.

5

5.

CLAUSE (B.)
Prisoners
entitled to
inspect Depo-
sitions on
Trial.

And be it further Enacted, That all Persons under trial shall be entitled at the time of their trial to inspect without fee or reward all Depositions (or copies thereof) which have been taken against them, and returned into the Court before which such trial shall be had.

10

6.

Act may be
amended.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament; and that nothing herein contained shall extend to Scotland.

Prisoners' Counsel.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For enabling Prisoners to make their Defence
by Counsel or Attorney.

(Prepared and brought in by
Mr. Ewart and Mr. Charles Buller.)

Ordered, by The House of Commons, to be Printed,
23 February 1836.

44.



A

B I L L,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for enabling ⁽¹⁾ *Persons indicted of Felony* to make their Defence by Counsel or Attorney.

[*Note.*—The Figures in the Margin denote the Number of Presses in the Ingrossment.]

[*N.B.*—The Words and Clause printed beneath a Black Line at the bottom of the Page were struck out, and the Words printed in *Italics* were added, by the Lords.]

I

WH **E**R **E**A **S** it is just and reasonable that persons accused of offences against the law should be enabled to make their full Answer and Defence to all that is alleged against them; **B**E it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the ⁽²⁾ *First day of October next*, all persons tried for Felonies shall be admitted, after the close of the case for the prosecution, to make full Answer and Defence thereto; by Counsel learned in the law, or by Attorney in Courts where Attornies practise as Counsel.

Preamble.

1.

In cases of Felony, Counsel or Attorney may speak for the accused.

⁽³⁾

And

⁽¹⁾ Prisoners

⁽²⁾ passing of this Act

⁽³⁾ And be it further Enacted, That in all such cases of Felony, and likewise in all cases of Treason, Misprision of Treason and Misdemeanor, if, after the close of the case for the person or persons accused, the Counsel for the prosecution shall make any reply, the Counsel for the person or persons accused shall be admitted to answer it.

2.

If Counsel for Prosecution replies, Counsel for the accused may answer.

3.
In cases of
summary
Conviction,
Answer and
Defence may
be made.

And be it further *Declared and Enacted*, That in all cases of summary Conviction, persons accused shall be admitted to make their full Answer and Defence, and to have all Witnesses examined and cross-examined by Counsel or Attorney.

4.
Copies of De-
positions to
be allowed
to Prisoners.

And be it further Enacted, That all persons who after the passing of this Act shall be held to bail or committed to prison for any offence against the law shall be entitled to require and have, on demand (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same), Copies of the Examinations of the Witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, not exceeding Three Halfpence for each folio of Ninety Words : *Provided always, That if such demand shall not be made before the day appointed for the commencement of the Assize or Sessions at which the Trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any Copy of such Examination of Witnesses, unless the Judge or other person to preside at such Trial shall be of opinion that such Copy may be made and delivered without delay or inconvenience to such Trial; but it shall nevertheless be competent for such Judge or other person so to preside at such Trial, if he shall think fit, to postpone such Trial on account of such Copy of the Examination of Witnesses not having been previously had by the party charged.*

2

5.
Prisoners
entitled to
inspect De-
positions on
Trial.

And be it further Enacted, That all persons under Trial shall be entitled, at the time of their Trial, to inspect, without fee or reward, all Depositions (or Copies thereof) which have been taken against them, and returned into the Court before which such Trial shall be had.

6.
Act may be
altered this
Session.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament ; and that nothing herein contained shall extend to Scotland.

Prisoners' Counsel.

A

B I L L,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for enabling ⁽¹⁾ *Persons indicted of Felony* to make their Defence by Counsel or Attorney.

⁽¹⁾ Prisoners

Ordered, by The House of Commons, to be Printed,
19 July 1836.



BILL

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

1.
Fifty Rate
Payers may
call a Meeting
upon the sub-
ject of this
Act.

duly signed, and presented to him by any *Three* or more of the Requisitionists, by whom the same may have been signed, or in case of his neglecting to comply with their request within *Three* clear Days after its delivery to him, it shall then be lawful for the said *Three* Requisitionists themselves to call such Public Meeting of the Rate-payers in any usual place of assembling within the Town, after giving *Three* clear Days' notice of the same to the Mayor. 5

2.
Meeting to decide whether Public Institutions shall be established.

And be it Enacted, That such Public Meeting being assembled, the question shall be publicly proposed by the Chairman of the same, and submitted to the open discussion of the Rate-payers then present, as to whether it is expedient that such Public Institutions for the diffusion of Literary and Scientific Information as aforesaid, should be formed and established within the Town in which such Public Meeting may be held ; the costs of such undertaking to be chargeable, by way of assessment, on the rentals of the premises held and occupied by the inhabitants of the same. 10 15

3.
Decision to be taken by vote.

And be it Enacted, That the decision of this question shall be submitted to the vote, at the close of such discussion, by a show of hands in the usual manner, and the declaration of the majority be publicly made on the spot by the Chairman of the Meeting ; but in the event of a poll being demanded by any *Three* Rate-payers then present at the Meeting, such poll shall be taken on the spot by counting the numbers for, and the numbers against, the proposed Resolution. 20 25

4.
The whole of the Rate-payers to be bound by the decision of the Meeting.

And be it Enacted, That in the event of a majority of *Two-thirds* of the Rate-payers then present at such Meeting, who may vote on the question, being found, by such poll, to be in favour of the proposed resolution, the whole of the Rate-payers of the Town shall be bound by the act of such majority, and be liable to contribute, in the proportion of their respective rentals, to such assessments as may be subsequently levied by the proper authorities, to carry the resolution into effect, within the limited amount of rating, to be hereinafter prescribed. 30 35

5.
A Committee to be appointed.

And be it Enacted, That within *Three* clear Days after such decision of the majority as aforesaid, the Rate-payers shall proceed to elect, from among the resident householders of the Town, a Committee, to consist of *Twenty-one* persons, to be called "The Committee of Public Institutions:" to whom shall be confided the direction of all matters necessary for the execution and management of the Public Institutions to be formed and established under the powers of this Act ; and in whom all Lands which may be purchased, with the Buildings erected upon the same for the purposes aforesaid, shall be vested, as Trustees ex officio, to hold and administer the same for the use and benefit of the Inhabitants generally. 40 45

And

6.
Mode of Election.

And be it Enacted, That in the election of Members of the Committee, the mode followed shall be the same as that which is or may be in ordinary use in such Towns respectively for the election of Municipal or Parish Officers, as the case may be: Provided
5 always, That no persons but those who are actually Rate-payers of such Towns shall be permitted to vote at such Elections, and that the poll for the whole of the Persons nominated for members of such Committee shall not be kept open longer than *Six* Hours, or from *Ten* o'clock in the Forenoon to *Four* o'clock in the Afternoon
10 of one single Day; and provided also, that the Chairman of the public Meeting at which the original Resolution was carried, whether the Mayor or otherwise, or a Deputy appointed by the same, shall be the Returning Officer, to preside over and declare the result of such Election, by stating publicly the numbers voting for each of the
15 several Persons nominated, and pronouncing the due return, as members of the Committee, of the *Twenty-one* who may have received the greatest number of votes in their favour.

7.
Persons contributing a certain amount, to be Governors for life.

And be it Enacted, That in order to encourage the wealthy Inhabitants of Towns, and of the neighbourhood, to come forward voluntarily to assist in the support of such Public Institutions for the diffusion of Literary and Scientific Information, the rank of Governor for Life shall be conferred (without election) on every person contributing the sum of *One hundred* Pounds as a donation, and the rank of Annual Governor shall be conferred (without
20 election) on every person contributing *Ten* Pounds per annum as subscription, so long as such annual subscription shall be continued; and such Life Governors and Annual Governors shall enjoy and exercise all the privileges of elected Members of the Committee.

8.
One-third of the Committee shall go out annually.

And be it Enacted, That *One-third* of the Members of the Committee shall retire annually from office (in the first year, the seven
30 Members who were elected by the fewest number of votes; in the second year, the seven Members who were elected by the next fewest number of votes; and in every succeeding year, the seven Members who have been for the longest period Members of the Committee), and the filling up of the vacancies occasioned by such retirements,
35 or by deaths (which latter shall not be filled up till the general Annual Election), shall be by the votes of the rate-payers in the same manner as that prescribed for the First Election: Provided always, That the Members retiring by annual rotation may be eligible to be re-elected
40 to the same office.

9.
Committee to procure Designs and Estimates.

And be it Enacted, That the "Committee of Public Institutions," being thus formed, shall have power to procure Designs and Plans for the Buildings required to form such Literary and Scientific Institutions, with Libraries, Museums, Halls, and other requisite accommodation,
65.

modation, as aforesaid, with estimates of their cost, and to determine on the expediency of forming and establishing only a part or the whole of the several Works enumerated, as in their judgment may seem meet : Provided always, That the competition for such Designs, Plans and Estimates shall be open to all persons offering to furnish the same, and that the selection or preference of any of those over others for actual adoption, shall be left entirely to the judgment of the Committee. 5

10.

Power to borrow Money within certain limits.

And be it Enacted, That the amount of the capital required for the completion of such Public Institutions as may be determined on, having been ascertained, it shall be lawful for the said Committee to borrow the requisite sum for that purpose, and such sum shall be charged upon the assessment hereby authorized to be levied for the repayment of the same : Provided always, That such sum shall in no case exceed, in its whole amount, the proportion of *Ten Shillings* to every Inhabitant of such Town, according to the last official census of the population of the same previous to the formation of such Institution therein. 10 15

11.

Mode of redeeming the Principal, and paying Interest.

And be it Enacted, That the annual payment of the Interest, and the gradual redemption of the Principal of such sum so borrowed, shall be provided for in manner following: a Public Stock or Fund shall be created, to be open for the investment of money, in the manner of other Public Funds, and transferable by Shares of One Hundred Pounds each, bearing interest at not more than *Five Pounds* per centum per annum, and redeemable in *Twenty Years*, by the paying off of *Five Pounds* per centum of the principal in every year, so that at the end of *Twenty Years* the whole of the Buildings forming the Public Institution may be free of any incumbrance or charge on the funds of the Town. 20 25

12.

Power to levy an Assessment within certain limits.

And be it Enacted, That for the payment of the said interest on such capital, and the annual redemption of *Five Pounds* per centum of the principal, as before described, the said "Committee of Public Institutions" shall be authorized to levy a half-yearly Assessment on the rental of all the dwellings and other premises usually paying rates within the Town; such Assessment; however, not to exceed, in any case, the sum of *Three-pence* in the Pound on each Assessment, or *Sixpence* in the Pound on the rental within the entire year. 30 35

13.

Collection and Recovery of Assessment.

And be it Enacted, That the collection and recovery of the sums assessed by order of the "Committee of Public Institutions" for the purposes aforesaid, shall be effected in the same manner in which the Rates for other local purposes are collected and recovered within such Towns respectively. 40

14.

Objects to be secured in Public Insti-

And be it Enacted, That the following shall be considered as primary objects to be secured, and fundamental rules to be observed, in

in all Public Institutions erected by the powers of this Act:—1. A spacious Hall, provided with fires, lights, tables and chairs as required, to serve as a Hall of Social Meeting for the Labouring Classes, at those periods of the year when recreation in the open air is impracticable: 2. A School Room, adapted for Infant teaching, with Class Rooms, for the studies of Youths of more advanced age: 3. Apartments for the meetings of Benefit Clubs, Sick Societies, Trade Committees, or other Local Associations of mutual relief, and for the payment of wages, or any other business for which such Rooms are in constant Requisition, but are now rarely to be procured, except at Taverns and Public-houses: 4. A Theatre, adapted for the delivery of Literary and Scientific Lectures, and for the exhibition of illustrative experiments, and containing the usual subdivision of seats, as in Dramatic Theatres, for the separate accommodation of different classes of Society: 5. A Library, Reading Rooms, Museum and Picture Gallery, adapted for the arrangement of such books, pictures, sculpture, specimens of natural history, and rare productions of nature and art, as may, by purchase or gift, be progressively accumulated in each: 6. That no intoxicating drinks of any kind be permitted to be brought within the Public Institution, on pain of exclusion to the offending party for the period of a year at least; but that refreshments of every other description be permitted to be supplied to the Visitors by Persons appointed by the said Committee, and subject entirely to their direction.

tutions erected under this Act.

And be it Enacted, That in addition to these fundamental rules, the said Committee may from time to time frame and pass such other Rules and Regulations as they may deem necessary, for the preservation of order and decorum in every department of the Public Institution; and that while the Hall of Social Meeting is to be opened, within certain hours, to the free admission of all classes of the community, without payment of money, but subject only to the general Rules and Regulations of the Establishment, the Committee may fix such moderate rates of payment for admission to all the other parts of the Institution, as in their judgment may be sufficient to cover the current expenses of the same; keeping in view, however, the expediency of limiting such rates of admission to the lowest amount compatible with the due preservation of the whole Establishment, and with the comfort of the Persons frequenting the same.

15.
Committee may make other Rules and Regulations.

And be it Enacted, That in any Cities, Boroughs or Towns in which the extent of the population may be such as to require more than one such Public Institution as hereinbefore described, it shall be lawful for the said "Committee of Public Institutions" to form and establish Auxiliary Institutions in such parts of the Town,

16.
Auxiliary Institutions may be formed in populous Towns.

or in such Wards or Parishes of the same, as may by them be deemed most eligible for the accommodation of the inhabitants thereof: Provided always, That the whole of the Capital to be expended in the formation and establishment of such Institutions shall not exceed the proportion of amount to population already prescribed, 5 and that the whole of the assessments for the payment of the interest and redemption of the capital thus expended, shall not exceed the amount to which it is already limited by this Act: And provided also, That the management and regulation of all such Auxiliary Institutions, formed and established within the same City, 10 Borough or Town, shall be under the direction of the "Committee of Public Institutions" as aforesaid, subject to such rules and provisions as are hereinbefore enacted, and to such other orders and regulations as the said Committee may from time to time think fit to issue for the government of the same.

17.
Corporate
Bodies may
dispose of
Land suitable
for such
Institutions.

And be it Enacted, That in any case in which particular spots of land may be deemed especially eligible for the erection of Buildings for such Public Institutions, but the same may belong to Corporate Bodies, or be under the management of Trustees, or be held by certain tenures which may prevent their being sold or exchanged, without 20 special powers being given for this purpose, it shall be lawful for the Owners or Trustees of such lands, whether Bodies Corporate or otherwise, to sell, dispose of or exchange the same, on such terms as may be mutually agreed on by all the contracting parties: Provided always, That no such sale or exchange of lands shall be enforced or effected 25 otherwise than by and with the full consent of all the parties having legal rights and interests in the same, and that the conveyances of such sale or exchange shall be made with all due form of law.

18.
Existing Insti-
tutions may be
assisted.

And be it Enacted, That in any case in which Public Institutions for the diffusion of Literary and Scientific Information already exist 30 in any Town, or in any Parish or Ward of the same, and for the maintenance and support of which any funds have been bestowed or subscribed, and the same shall be found insufficient for the purposes required, it shall be lawful for the "Committee of Public Institutions," appointed in manner aforesaid, in any Town, Parish or 35 Ward in which such case shall occur, to afford such aid, by way of loan, out of the funds raised by virtue of this Act, and within the limits fixed by the same, as the case may to them seem to require: Provided always, That the repayment of the Sums so advanced at the rate of *Five* per centum per annum of the principal, and the payment 40 of interest on the same at the rate of not more than *Five* per centum per annum, be secured on the property of such Public Institutions, as well as on the assessment of the rate-payers of the Town, Parish or Ward in which the same may be situated, within the limited amount

amount of rating already prescribed: And provided always, That in every such case the Public Institutions thus enlarged and improved by and from the funds as aforesaid, shall be placed under the direction and management of the "Committee of Public Institutions" for the Town in which the same may be situated, and be subject to all such rules and regulations as may by them be thought fit to be issued within the powers given to them by this Act.

And be it Enacted, That a Record shall be kept of all the Minutes of the said "Committee of Public Institutions," with Reports of their Proceedings at such Meetings as they may hold from time to time for purposes of business; and that such Minutes and Reports shall be signed by at least Seven of the members present at such Meetings, as forming the quorum of such Committee, without the presence of which number no Resolutions shall be valid or binding upon the rest; and that an account shall be also kept of all receipts and disbursements connected with the Public Institutions authorized to be formed and established by this Act, and with the business of the said Committee within the year.

19.
Minutes of
Proceedings
to be kept.

And be it Enacted, That for the purposes aforesaid, the said Committee shall be authorized to appoint and employ a Treasurer, Auditors, Clerks, Collectors, and such other Officers and Persons as may to them seem necessary to carry on the business of the Committee, with such salaries, and under such securities as may be proportioned to the responsibility vested in them respectively, and under full liability to such Rules and Orders as the Committee may think proper to frame for the regulation of their conduct, in the execution of their duties.

20.
Committee
to appoint
Treasurer and
other Officers

And be it Enacted, That within the month of *January* in every year, a Report of the past year's progress and proceedings shall be published, under the signature of the President or Chairman of the Committee for the time being, and countersigned by the Treasurer, Auditors and Clerks, containing detailed Accounts of all Receipts and Payments, as well as all Minutes of the Proceedings of the said Committee; and that a printed copy of such Report shall be supplied, free of expense, to every Rate-payer who may have been assessed for the purposes aforesaid, on his applying for the same.

21.
Minutes and
Accounts to
be published
annually.

And be it Enacted, That a Copy of such Annual Reports, well and strongly bound, in a separate volume, shall be forwarded, free of expense, to the Office of the Secretary of State for the Home Department, to the Library of the British Museum, and to the Libraries of the Houses of Lords and Commons, for the inspection of those who may desire to watch the progress and proceedings of

22.
Reports to be
sent to Libra-
ries in London.

such Institutions for the Diffusion of Literary and Scientific Information in different parts of the Kingdom.

23.

Committee
not to be
liable for
Expenses in-
curred pre-
vious to their
Institution.

And be it Enacted, That the expenses of all the preliminary proceedings, previous to the formation of the "Committee of Public Institutions," in manner before described, shall be borne by the requisitionists, and provided for by public subscriptions, or by such other means (not compulsory) as they may see fit; but in the event of the original Resolution submitted to the Public Meeting being carried in the affirmative, and the Committee being duly appointed, the expenses of such Meeting, and of all subsequent proceedings, shall then be defrayed out of the funds to be levied by the general assessment for which this Act provides.

24.

Meetings
upon requi-
sition, not to
be made more
than once in
a year.

And be it Enacted, That in the event of more than *One-third* of the Rate-payers of any Town assembled at a Public Meeting convened as aforesaid, voting against the original Resolution, by a poll taken at such Meeting, and thereby declaring it to be inexpedient to adopt, for the time being, any further proceedings as to the formation and establishment of any Public Institution for the diffusion of Literary and Scientific Information within the same, it shall not be lawful to make any other requisition for the purpose of calling any Public Meeting to discuss the same question, within a period of less than *One* year from the time of such decision.

25

In Corporate
Towns, Cor-
poration to
have the same
Powers vested
in them as
Committees
have by this
Act.

And be it Enacted, That in all Corporate Towns, it shall and may be lawful for the Mayor, Aldermen and Burgesses of the same, in council assembled, to consider of the propriety of forming and establishing within their Towns respectively such Public Institutions for the diffusion of Literary and Scientific Information, including Libraries and Museums, with commodious Halls and places of Public Meeting, for instruction and entertainment, as are contemplated by this Act; and if a majority of *Two-thirds* of the Council present at such meeting shall, after due notice and deliberation, decide in favour of the formation and establishment of such Institutions within their several Towns respectively, such Corporation shall possess all the powers and authorities intended to be vested by this Act in "Committees of Public Institutions" formed after the manner herein-before prescribed in Towns not possessing Corporate or Municipal Governments for the direction of their local affairs: Provided always, That in such cases of Corporations thus undertaking the formation of such establishments, all the provisions contained in this Act, and all the limitations and conditions prescribed by the same (excepting only those that relate to the election and constitution of the Committee, which in such cases may be formed according to the Rules and Orders of the Council) shall

shall be in as full force, and as binding on the Corporations thus undertaking the execution of the Works in their Corporate capacity, as they would have been on any "Committee of Public Institutions" formed under the powers of this Act in any Town not incorporated.

- 5 And be it Enacted, That in the construction of this Act, the word
"Town" shall be construed to mean City, Borough, Town or any
other Place usually understood by that term; and the word
"Mayor" shall be construed to mean Mayor, Boroughreeve, Con-
stable, Bailiff, Senior Magistrate or chief civil authority, by what-
10 ever title usually recognized, within the Town or Place in which
his authority is exercised; that the words "Rate-payers" shall
be construed to mean all Persons who have, for the period of *One*
year at the least, paid the usual assessments levied on the Rate-
payers of the Town or Parish in which they reside.

26.

Explanation
of certain
words in Act.

- 15 And be it Enacted, That this Act shall commence and take effect
from and after the *First* day of *October*, in the year of our Lord *One*
thousand eight hundred and Thirty-six.

27.

Commence-
ment of Act.

And be it Enacted, That this Act shall extend to every part of
Great Britain and Ireland.

28.

Act to extend
to Great Bri-
tain and
Ireland.

Public Institutions.

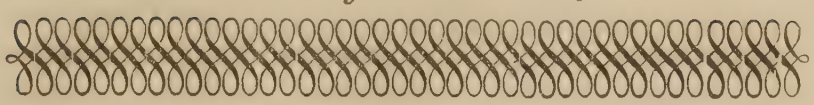
A

B I L L

To facilitate the Formation and Establishment
of Public Institutions for the diffusion of
Literary and Scientific Information, includ-
ing Libraries and Museums, with commo-
dious Halls or Places of Public Meeting
for Instruction and Entertainment, within
such Cities, Boroughs and Towns as may
require the same for the use and accom-
modation of their Inhabitants.

(Prepared and brought in by
Mr. Buckingham, Mr. Wyse and Mr. Tulk.)

Ordered, by The House of Commons, to be Printed,
29 February 1836.



A

B I L L

To facilitate the Formation and Establishment of Public Walks, Play Grounds, Baths and Places of healthy Recreation and Amusement in the open Air, in the Neighbourhood of such Cities, Boroughs and Towns as may require the same, for the use and accommodation of their Inhabitants.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is expedient to encourage and promote the formation and establishment of Public Walks, Play Grounds, Baths and Places of healthy Recreation and Amusement in the open air, in the neighbourhood of such Cities, Boroughs and Towns as may require the same for the use and accommodation of their Inhabitants; **B**E it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in all cases in which *Fifty* Rate-payers of any City, Borough or Town, or of any Parish or Ward within the same, shall sign and send a Requisition to the Mayor or other chief civil authority of such Town, requesting him to call a Public Meeting of the Rate-payers of the same, for the purpose of considering the expediency of establishing within their neighbourhood Public Walks, Play Grounds, Baths and places of healthy recreation and amusement in the open air, it shall be lawful for the said Mayor so to do; and in the event of his declining to accede to such Requisition when duly signed, and presented to him by any *Three* or more of the Requisitionists by whom the same may have been signed, or in case of his neglecting to comply with their request within *Three* clear Days after its delivery to him, it shall then be lawful for the

Preamble.

1.
Upon Requisition of Fifty Rate-payers, Meeting to be held for purposes of Act.

said *Three* Requisitionists themselves to call such Public Meeting of the Rate-payers, in any usual place of assembling within the Town, after giving *Three* clear Days' notice of the same to the Mayor.

2.

Meeting to decide whether Public Walks, &c. should be established.

And be it Enacted, That such Public Meeting being assembled, the question shall be publicly proposed by the Chairman of the same, and submitted to the open discussion of the Rate-payers then present, as to whether it is expedient that such Public Walks, Play Grounds, Baths and places of healthy recreation and amusement in the open air should be formed and established within the neighbourhood of the Town in which such Public Meeting may be held; the costs of such undertaking to be chargeable, by way of assessment, on the rentals of the premises held and occupied by the Inhabitants of the same. 5 10

3.

Decision to be made by Vote.

And be it Enacted, That the decision of this question shall be submitted to the vote, at the close of such discussion, by a show of hands in the usual manner, and the declaration of the Majority be publicly made on the spot by the Chairman of the Meeting; but in the event of a Poll being demanded by any *Three* Rate-payers then present at the Meeting, such Poll shall be taken on the spot, by counting the numbers for and the numbers against the proposed resolution. 15

4.

Rate-payers to be bound by the decision of the Meeting.

And be it Enacted, That in the event of a Majority composed of *two-thirds* of the Rate-payers then present at the Meeting, who may vote on the question, being found by such Poll to be in favour of the proposed Resolution, the whole of the Rate-payers of the Town shall be bound by the act of such Majority, and be liable to contribute, in the proportions of their respective rentals, to such Assessments as may be subsequently levied by the proper authorities to carry the resolution into effect, within the limited amount of rating hereinafter to be prescribed. 20 25

5.

Committee to be elected.

And be it Enacted, That within *Three* clear Days after such decision of the Majority as aforesaid, the Rate-payers shall proceed to elect, from among the resident Householders of the Town, a Committee, to consist of *Twenty-one* Persons, to be called "The Committee of Public Recreation," to whom shall be confided the direction of all matters necessary for the execution and management of the Public Works to be formed and established under the powers of this Act; and in whom all lands which may be purchased, with the improvements made upon the same, for the purposes aforesaid, shall be vested, as Trustees ex officio, to hold and administer the same for the use and benefit of the Inhabitants generally. 30 35

6.

Mode of Election.

And be it Enacted, That in the election of Members of the Committee, the mode followed shall be the same as that which is or may

may be in ordinary use in such Towns respectively for the election of Municipal or Parish Officers, as the case may be: Provided always, That no Persons but those who are actually Rate-payers of such Towns shall be permitted to vote at such elections, and that the polling for the whole of the Persons nominated as Members of such Committee shall not be kept open longer than *Six* Hours, or from *Ten* of the clock in the forenoon to *Four* of the clock in the afternoon of one single day: And provided also, That the Chairman of the Public Meeting at which the original Resolution was carried, whether the Mayor or otherwise, or a Deputy appointed by the same, shall be the Returning Officer, to preside over and declare the result of such election, by stating publicly the numbers voting for each of the several Persons nominated, and pronouncing the due return, as Members of the Committee, of the *Twenty-one* who may have received the greatest number of votes in their favour.

And be it Enacted, That, in order to encourage the wealthy Inhabitants of Towns and of the neighbourhood to come forward voluntarily to assist in the support of such Public Walks and places of recreation, the rank of Governor for life shall be conferred (without election) on every Person contributing the sum of *One hundred* Pounds as a donation, and the rank of Annual Governor shall be conferred (without election) on every Person contributing *Ten* Pounds per annum as subscription, so long as such annual subscription shall be continued; and such Life Governors and Annual Governors shall enjoy and exercise all the privileges of elected Members of the Committee.

7.
Persons contributing a certain Sum to be Governors.

And be it Enacted, That *One-third* of the Members of the Committee shall retire annually from office (in the first year, the seven Members who were elected by the fewest number of votes; in the second year, the seven Members who were elected by the next fewest number of votes; and in every succeeding year, the seven Members who have been for the longest period Members of the Committee), and the filling up of the vacancies occasioned by such retirements, or by deaths (which latter shall not be filled up till the general annual election), shall be by the votes of the Rate-payers, in the same manner as that prescribed for the first election: Provided always, That the Members retiring by annual rotation, may be eligible to be re-elected to the same office.

8.
One-third part of the Committee to go out annually.

And be it Enacted, That the Committee of Public Recreation being thus formed, shall have power to procure Designs and Plans for the Public Walks, Play Grounds and Baths required, with Estimates of their cost, and to determine as to the expediency of forming and establishing only a part or the whole of the several Works enumerated,

9.
Committee to determine as to Designs, Plans and Estimates.

merated, as to their judgment may seem meet : Provided always, That the competition for such Designs, Plans and Estimates shall be open to all persons offering to furnish the same, and that the selection or preference of any of those over others for actual adoption shall be left entirely to the judgment of the Committee.

5

10.

Committee to have Power to borrow Money, within certain limits.

And be it Enacted, That the amount of capital required for the purchase of such Ground, and the completion of such Works as may be determined to be laid out and erected thereon, having been ascertained, it shall be lawful for the said Committee to borrow the requisite sum for that purpose ; and such sum shall be charged upon the Assessment hereby authorized to be raised for the repayment of the same : Provided always, That such sum shall in no case exceed in its whole amount the proportion of *Ten* Shillings to every inhabitant of such town, according to the last official census of the population of the same previous to the formation of such Public Works therein.

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11.

Mode of paying Interest, and redeeming the Principal.

And be it Enacted, that the annual payment of the Interest, and the gradual redemption of the Principal of such sum so borrowed, shall be provided for in manner following : a Public Stock or Fund shall be created, to be open for the investment of money, in the manner of other Public Funds, and transferable by Shares of *One hundred* Pounds each, bearing interest at not more than *Five* per centum per annum, and redeemable in *Twenty* Years, by the paying off of *Five* per centum of the principal in every year, so that at the end of *Twenty* Years the whole of the Public Walks, Play Grounds, Baths and Works connected with the same, may be free of any incumbrance or charge on the funds of the Town.

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12.

Committee authorized to levy an Assessment, within certain limits.

And be it Enacted, That for the payment of the said interest on such capital, and the annual redemption of *Five* per centum of the principal, as before described, the said " Committee of Public Recreation " shall be authorized to levy a half-yearly Assessment on the rental of all the dwellings and other premises usually paying rates within the Town ; such Assessment, however, not to exceed in any case the sum of *Three-pence* in the Pound on each Assessment, or *Sixpence* in the Pound on the Rental, within the entire year.

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13.

To be collected the same as other Rates.

And be it Enacted, That the collection and recovery of the Sums assessed by order of the " Committee of Public Recreation " for the purposes aforesaid, shall be effected in the same manner in which the Rates for other local purposes are collected and recovered within such Towns respectively.

And

14.

Objects to be
secured in the
formation of
Walks, &c.

And be it Enacted, That the following shall be considered as primary objects to be secured, and fundamental rules to be observed, in the formation and establishment of all Public Walks, Play Grounds and Baths, authorized by this Act: 1. That the Public Walks be
5 planted with Trees and Shrubs, and rendered ornamental by the introduction of running Water and Fountains, wherever practicable: 2. That they be fenced off and made secure from all annoyances to persons frequenting the same: 3. That no Athletic Games or Sports be permitted in any part of the Public Walks: 4. That a sufficient
10 number of commodious seats be provided within the Walks and Grounds: 5. That Music be permitted to be performed within the same, under such limitations as the Committee may see fit: 6. That the Play Grounds be adapted for Gymnastic Exercises, Cricket, Archery, and other healthy sports; but that all conflicts of a per-
15 sonally irritating nature, such as Wrestling, Cudgelling and Boxing, be prohibited, as well as all Games in which cruelty to Animals is involved: 7. That the Baths be adapted to teach the art of Swimming, as well as to afford the means of Ablution, and be constructed in such a manner as to secure perfect seclusion from public view, and
20 that Hot, Cold, Shower and Vapour Baths be also provided: 8. That no intoxicating drinks of any kind be permitted to be brought within the Public Walks, Play Grounds or Baths, in any quantity, or on any pretence whatever, on pain of exclusion to the offending Party for the period of a year at least; but that refreshments of every other
25 description be permitted to be supplied to the Visitors, by Persons appointed by the said Committee, and subject entirely to their direction.

15.

Committee
may make
other Rules
for preserva-
tion of Order;
and fix Rates
of Admission.

And be it Enacted, That in addition to these fundamental Rules, the said Committee may from time to time frame and pass such other
30 Rules and Regulations as they may deem necessary for the preservation of order and decorum, and that while the Public Walks and Gardens are to be opened within certain hours to the free admission of all classes of the community, without payment of Money, but subject only to the general Rules and Regulations of the Establishment, the
35 Committee may fix such moderate rates of payment for admission to the other parts of the Establishment, such as the Play Grounds, or Places for Athletic Games and Sports, and to the several kinds of Baths, as in their judgment may seem necessary to cover the current expenses of the same; keeping in view, however, the expediency of
40 limiting such rates of admission to the lowest amount compatible with the comfort of the Visitors themselves, and the preservation of the whole Establishment in a state of order and tranquillity throughout.

16.
Committee
may form
Auxiliary
Establish-
ments where
such are re-
quired.

And be it Enacted, That in any Cities, Boroughs and Towns in which the extent of the population may be such as to require more than one establishment of Public Walks, Play Grounds, Baths, and places of recreation and amusement in the open air, it shall be lawful for the said "Committee of Public Recreation" to form Auxiliary 5 Establishments of the same description, in such parts of the Town, or in such Wards or Parishes of the same, as may by them be deemed most eligible for the accommodation of the Inhabitants thereof: Provided always, That the whole capital to be expended in the formation of such Auxiliary Establishments shall not exceed the pro- 10 portion of amount to population already prescribed; and that the whole of the assessments for the payment of the interest and redemption of the capital thus expended, shall not exceed the amount to which it is already limited by this Act; and provided also, That the management and regulation of all such Auxiliary Establishments 15 within the neighbourhood of the same City, Borough or Town, shall be under the direction of the "Committee of Public Recreation," as aforesaid, subject to such rules and provisions as are hereinbefore enacted, and to such other orders and regulations as the said Committee may from time to time think fit to issue for the government of 20 the same.

17.
Corporate Bo-
dies, &c. may
dispose of
Lands suit-
able for the
purposes
of this Act.

And be it Enacted, That in any case in which particular spots of Land may be deemed especially eligible for the formation of such Public Walks, Play Grounds, Baths, and places of healthy recreation and amusement in the open air, but the same may belong to corpo- 25 rate bodies, or be under the management of trustees, or be held by certain tenures which may prevent their being sold without special powers being given for this purpose; it shall be lawful for the owners or trustees of such land, whether bodies corporate or otherwise, to sell, dispose of, or exchange the same, on such terms as may be 30 mutually agreed on by all the contracting parties: Provided always, That no such sale or exchange of lands shall be enforced or effected otherwise than by and with the full consent of all the parties having legal rights and interests in the same; and that the conveyances of such sale or exchange shall be made with all due form of law. 35

18.
Committee
may grant
Loans for the
Improvement
of Walks, &c.
already in
existence.

And be it Enacted, That in any case in which Public Walks or Grounds already exist in the neighbourhood of any Town, or in any Parish or Ward of the same, and for the maintenance and support of which any funds have been bestowed, either by grant, donation, legacy or bequest, or are authorized to be raised by any general or 40 local Act of Parliament, and the same shall be found insufficient for the purposes required, it shall be lawful for the "Committee of Public Recreation," appointed in manner aforesaid, in any Town, Parish

Parish or Ward in which such case shall occur, to afford such aid, by way of loan, out of the funds raised by virtue of this Act, and within the limits fixed by the same, as the case may to them seem to require: Provided always, That the repayment of the sums so advanced, at the rate of *Five* per centum per annum of the principal, and the payment of interest on the same, at the rate of not more than *Five* per centum per annum, be secured on the property of such Public Walks and Grounds, as well as on the assessment of the Rate-payers of the Town, Parish or Ward in which the same may be situated, within the limited amount of rating already prescribed; and provided always, that in every such case the Public Walks and Grounds thus improved by aid from the funds as aforesaid, shall be placed under the direction and management of the "Committee of Public Recreation" for the Towns in which the same may be situated, and be subject to all such rules and regulations as may by them be thought fit to be issued, within the powers given to them by this Act.

And be it Enacted, That a Record shall be kept of all the Minutes of the said "Committee of Public Recreation," with Reports of their Proceedings at such Meetings as they may hold from time to time, for the purposes of business, and that such Minutes and Reports shall be signed by at least *Seven* of the Members present at such Meetings, as forming the quorum of such Committee, without the presence of which number, no Resolution shall be valid or binding upon the rest; and that an Account shall be also kept of all receipts and disbursements connected with the Public Works authorized to be undertaken by this Act, and with the business of the said Committee within the year.

19.
Minutes of
Proceedings
and Accounts
to be kept.

And be it Enacted, That for the purposes aforesaid, the said Committee shall be authorized to appoint and employ a Treasurer, Auditors, Clerks, Collectors, and such other Officers and Persons as may to them seem necessary to carry on the business of the Committee, with such salaries, and under such securities, as may be proportioned to the responsibility vested in them respectively, and under full liability to such Rules and Orders as the Committee may think proper to frame for the regulation of their conduct in the execution of their duties.

20.
Treasurer and
other Officers
to be ap-
pointed.

And be it Enacted, That in the month of *January* in every year, a Report of the past year's progress and proceedings shall be published, under the signature of the President or Chairman of the Committee for the time being, and countersigned by the Treasurer, Auditors and Clerks, containing detailed Accounts of all Receipts and Payments, as well as all Minutes of the Proceedings of the said Committee; and that a printed copy of such Report shall be supplied free of expense to

21.
Report of
Proceedings
and Accounts
to be publish-
ed annually.

every Rate-payer who may have been assessed for the purposes aforesaid, on his applying for the same.

22.
Copy of
Annual Report
to be kept for
public inspection.

And be it Enacted, That a Copy of such Annual Reports, well and strongly bound, in a separate Volume, shall be forwarded, free of expense, to the Office of the Secretary of State for the Home Department, to the Library of the British Museum, and to the Libraries of the Houses of Lords and Commons, for the inspection of those who may desire to watch the progress and proceedings of such establishments for Public Recreation in different parts of the Kingdom.

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23.
Committee
not to be liable
for Expenses
incurred
before their
formation.

And be it Enacted, That the expenses of all the preliminary proceedings, previous to the formation of "The Committee of Public Recreation," in manner before described, shall be borne by the Requisitionists, and provided for by public voluntary subscriptions, or such other means (not compulsory) as they may see fit; but in the event of the original Resolution submitted to the Public Meeting being carried in the affirmative, and the Committee being duly appointed, the expenses of such Meeting and of all subsequent proceedings shall then be defrayed out of the funds to be levied by the general assessment for which this Act provides.

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24.
Meetings
upon Re-
quisition not
to be held
more than
once a year.

And be it Enacted, That in the event of more than *one-third* of the Rate-payers of any Town assembled at a Public Meeting convened as aforesaid, voting against the original Resolution by a Poll taken at such Meeting, and thereby declaring it to be inexpedient to adopt, for the time being, any further proceedings as to the formation of any Public Walks, Play Grounds, Baths, and places of healthy recreation and amusement in the open air, within the neighbourhood of the same, it shall not be lawful to make any other requisition for the purpose of calling any Public Meeting to discuss the same question, within a period of less than *One Year* from the time of such decision.

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25.
In Corporate
Towns Cor-
poration to
have the same
Powers vested
in them as
Committees
have by this
Act.

And be it Enacted, That in all Corporate Towns it shall and may be lawful for the Mayor, Aldermen and Burgesses of the same, in council assembled, to consider of the propriety of forming, in the neighbourhood of their Towns respectively, such Public Walks, Play Grounds, Baths, and places of healthy recreation and amusement in the open air, as are contemplated by this Act; and if a majority of *Two-thirds* of the council present at such Meeting shall, after due notice and deliberation, decide in favour of the formation of such Works in the neighbourhood of their several Towns respectively, such Corporations shall possess all the powers and authorities intended to be vested by this Act in "Committees of Public Recreation," formed after the manner here-

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inbefore

inbefore prescribed in Towns not possessing Corporate or Municipal Governments for the direction of their local affairs : Provided always, That in such cases of Corporations thus undertaking the formation of such Establishments, all the provisions contained in this Act, and all
 5 the limitations and conditions prescribed by the same, excepting only those that relate to the election and constitution of the Committee, which in such cases may be formed according to the rules and orders of the Council, shall be in as full force and as binding on the Corporations thus undertaking the execution of the Works in their corporate capacity,
 10 as they would have been on any " Committee of Public Recreation," formed under the powers of this Act in any Town not incorporated.

And be it Enacted, That in the construction of this Act, the word " Town " shall be construed to mean City, Borough, Town, or any other place usually understood by that term ; and the word " Mayor "
 15 shall be construed to mean Mayor, Boroughreeve, Bailiff, Constable, Senior Magistrate, or Chief civil authority, by whatever title usually recognized within the Town or Place in which his authority is exercised ; and that the words " Rate-payers " shall be construed to mean all Persons who have, for the period of *One Year* at the least, paid the
 20 usual Assessments levied on the Rate-payers of the Town or Parish in which they reside.

26.
 Explanation
 of Words
 used in this
 Act.

And be it Enacted, That this Act shall commence and take effect from and after the *First* day of *October One thousand eight hundred and Thirty-six*.

27.
 Commence-
 ment of this
 Act.

And be it Enacted, That this Act shall extend to every part of Great Britain and Ireland.

28.
 Act to extend
 to Great Bri-
 tain and Ire-
 land.

Public Walks.

A

B I L L

To facilitate the Formation and Establishment of Public Walks, Play Grounds, Baths and Places of healthy Recreation and Amusement in the open Air, in the Neighbourhood of such Cities, Boroughs and Towns as may require the same, for the use and accommodation of their Inhabitants.

(Prepared and brought in by,
*Mr. Buckingham, Mr. Potter and
Mr. Brotherton.*)

*Ordered, by The House of Commons, to be Printed,
29 February 1836.*

30 June 1836.—7 WILL. IV.



A

B I L L

To provide for the periodical Revision of the
Tolls levied on Railways.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **H**EREA **S** it is expedient that all Tolls granted to the Undertakers of Railways be revised from time to time, after a reasonable compensation for the outlay on such works shall have been received therefrom; **B**e **i**t **E**nacted and Declared, therefore, by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT where by any Act passed in the present Session of Parliament, or by any Act hereafter to be passed, authority has been or shall be given to any Company incorporated for making or maintaining a Railway or Tramroad, or to any Body Politic or Corporate, Person or Persons whomsoever, to demand receive or recover rates, tolls, charges, or sums of money, for or in respect of the use of a Railway or Tramroad, or of any works connected therewith, or for or in respect of the carriage or conveyance of passengers, beasts, cattle, goods or things upon a Railway or Tramroad, or for or in respect of any service or accommodation connected with the use of a Railway or Tramroad, or the works connected therewith, all such rates, tolls, charges and sums of money shall in every such case be and be deemed and taken to be subject to revision, alteration or abolition by Parliament, upon or at any time after the expiration of years next after the passing of the Act by which such authority has been or shall be created.

Preamble:

1.
All Tolls
levied on
Railways
under any
Act of this or
any subse-
quent Session
to be subject
to revision
after [.
years.

2.
This Act not
to extend to
any Tolls
granted for a
term of years.

Provided always, and be it Enacted and Declared, That nothing hereinbefore contained shall extend to any rates, tolls, charges or sums

sums of money which shall be hereafter granted or authorized for a term of years absolute or determinable, or to any rates, tolls, charges or sums of money which shall be made subject to revision or reduction by Parliament at or after a time appointed by the Act by which the same shall be granted or authorized.

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3.
Yearly
Accounts to
be returned
by Railway
Companies to
the Board of
Trade.

And be it Enacted, That all Companies, Bodies Politic and Corporate and Persons authorized to demand, receive and recover any such tolls, rates, charges or sums of money which shall be subject to revision or determination by virtue of this or of any other Act, and the officers servants and agents of all such Companies, Bodies Politic and Corporate and Persons, shall respectively, on or before the First day of February in every year, return and deliver to the *Lords of the Committee of Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations* accounts of the gross income which shall have been derived from such tolls, rates, charges and sums of money, and of all other the gross income which shall have accrued from or in respect of their respective Railways, Tramroads and other Works, and the property connected therewith, for or during the year ended the Thirty-first day of December last preceding (specifying the respective sources of such income), and also of the application of such income, and also of the number and quantities respectively of all passengers, matters and things which shall have passed or been conveyed on such Railways or Tramroads during such year, and in respect whereof any payment shall have been made to the Companies, Bodies Politic or Persons rendering such accounts during such year as aforesaid, and also accounts of the debts remaining charged on or due in respect of such Railways, Tramroads and other Works respectively, on such Thirty-first day of December, and of the rates of interest they shall respectively carry, and of the annuities charged on such Railways, Tramroads and other Works, specifying such as shall be redeemable, and the rates at which the same shall be redeemable respectively; and also all such other accounts in anywise relating to the expense, profit, use or employment of such Railways, Tramroads or other Works as shall be specified or required in the orders hereinafter mentioned; and every such account shall be verified by a declaration thereunder written or thereupon indorsed, subscribed by the Secretary or Officer of the Company, Body Politic or Corporate or Person by whom such account shall be returned, by which declaration such Secretary or Officer shall testify or declare that he has examined such account and the books from which the same has been compiled, and that he believes such account to be correct: and if any Company, Body Politic or Corporate or Person shall neglect to make out and return or deliver such account so verified as aforesaid, to the Lords of the said Committee of Privy Council, at the

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the Privy Council Office; or if any Secretary, Accountant or other Person by whose declaration any such account shall be verified shall annex such declaration to any false account of the matters aforesaid or any of them, the Company, Body Politic or Corporate or Persons to whom any such account, or such Secretary, Accountant or Person verifying the account shall belong, shall forfeit for every such offence the sum of Pounds, and the Secretary, Accountant or other Person so offending shall also forfeit for every such offence the sum of Pounds; and any Secretary, Accountant or other Person who shall subscribe any false declaration in relation to any such account, knowing the same to be false, shall be deemed guilty of a misdemeanor.

And be it Enacted, That it shall be lawful for the Lords of the said Committee of Privy Council from time to time to make and publish such orders as they shall think fit as to the matters and particulars to be comprised and specified in the annual accounts to be returned to them under the provisions of this Act, and as to the form and manner of making and returning the same, and such orders shall be published in the London Gazette, and when so published shall have the same force and effect as if they had been inserted in this Act, and a copy of the London Gazette containing any order concerning the matters aforesaid, purporting to be signed by one of the Clerks of the Privy Council by order of the Lords of the said Committee of Privy Council, shall be conclusive evidence of such order and that such order was duly made.

4.
Board of
Trade may
make orders as
to the form
and matter
of such
Accounts.

And be it Enacted, That all Acts hereafter to be passed for the revision, alteration or abolition of any such tolls, rates, charges or sums of money as aforesaid, shall be deemed Public Acts, and shall be judicially taken notice of as such by all Judges, Justices and others, and all Bills hereafter to be introduced into Parliament for such revision, alteration or abolition shall in every case be deemed Public Bills, and shall not be subject to or taken to be comprised within any Standing Order of either House of Parliament now in force or hereafter to be in force concerning Private Bills, nor shall any fees be paid or taken by any person or persons for the same or for any matter or proceeding in relation thereto.

5.
All Acts and
Bills for
revision of
Railway Tolls
to be deemed
Public.

Railways Revision of Tolls.

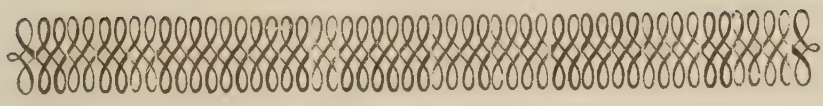
A

B I L L

To provide for the periodical Revision of
the Tolls levied on Railways.

(Prepared and brought in by
Mr. Morrison and Mr. Gisborne.)

*Ordered, by The House of Commons, to be Printed,
30 June 1836.*



A

B I L L

To enable Persons to make Deposits of Stock or Exchequer Bills, in lieu of giving Security by Bond to the Postmaster General, and Commissioners of Customs, Excise, Stamps and Taxes.

[*Note.*—The words printed in *Italics* are proposed to be inserted in the Committee.]

WH **HEREAS** it is expedient to enable persons and bodies corporate from whom Security may be required in respect of any matter relating to the Revenues of the Post-Office, Customs, Excise, Stamps or Taxes, in lieu of giving such Security by Bond, to give the same by transfer of Stocks, or Deposit of Exchequer Bills, in the manner hereinafter mentioned; **Be it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **10** **THAT** from and after the *passing of this Act*, it shall be lawful for any person or persons, or for any bodies corporate, from whom any such security is required, and who may be desirous of adopting the provisions of this Act in lieu of giving the same by Bond, by and with the consent of the Commissioners of His Majesty's Treasury, or any **15** *Three* or more of them, to transfer into the name of the Postmaster General, or of the Chairman for the time being of the Commissioners of that Department of the Revenue, in respect of which such security is required, in the books of the Governor and Company of the Bank of England, so much of any public Stock standing in the said books in the name or names of such person or persons, or bodies corporate, or **20** to deposit in the Bank of England in the name of the said Postmaster General or of such Chairman, such an amount of Exchequer Bills as

Preamble.

1.
Persons giving Security to different Departments of the Revenue, authorized to do so by a transfer of Stock, or deposit of Exchequer Bills.

shall be in the judgment of the said Commissioners of His Majesty's Treasury, or any *Three* or more of them, a sufficient security and indemnification against all contraventions of the duty or purpose for the due performance of which such security was required.

2.

Such Stock or Exchequer Bills to be sold upon Certificate of default in the conditions of Deposit, and the produce to be paid to the Receiver General of the Department of the Revenue suffering by the default.

And be it further Enacted, That it shall be lawful for the said Postmaster General upon the Certificate of the Accountant General of the Post Office, and for such Chairman as aforesaid, upon the Certificate of any *Two* or more of Commissioners of such department of the Revenue, that the Revenue has been damaged by any act done, or any payment or duty omitted in contravention of the duty or purpose for the due performance of which such security was required, as hereinbefore mentioned, and they and each of them are hereby required to sell so much of such Stock or of such Exchequer Bills as shall be necessary to make good any loss so occasioned, and to pay the proceeds thereof to the Receiver General of that department of Revenue in respect of which such loss has been sustained.

3.

Such Stock or Exchequer Bills to stand in the Bank Books in the name of the Postmaster General or Chairman, as the case may be, and not to be transferred or sold, except upon such Certificate of default.

And be it further Enacted, That when any Stock shall be transferred, or any deposit of Exchequer Bills shall be made, in pursuance of this Act, the said Stock shall be transferred into and the said Exchequer Bills shall be deposited in the name of His Majesty's Postmaster General, the Chairman of the Board of Customs, Excise, or Stamps and Taxes, as the case may be, and the account into which such Stock shall be transferred, or in which such deposit shall be so headed in the books of the Governor and Company of the Bank of England and no transfer of such Stock, or delivery or sale of such Exchequer Bills, shall be made, except upon such Certificate as is hereinafter mentioned.

4.

Certificate to be in the Form of the Schedule.

And be it further Enacted, That every such Certificate shall be drawn in the Form given in the Schedule annexed to this Act.

5.

A Declaration of the purposes for which the Security is given to be made in the Form given in the Schedule.

And be it further Enacted, That upon every such transfer or deposit as aforesaid, a declaration of the purposes for which the security is given in the Form given in the Schedule annexed to this Act, shall be signed by the person or persons, or by the Treasurer or Secretary or other Chief Officer of any body corporate transferring such Stock or making such deposit, and by the Postmaster General, or by any *Two* or more of the Commissioners of the department of the Revenue requiring such security, and such declaration shall be deposited with the said Postmaster General, or with such Commissioners.

6.

Such Declaration to apply to Exchequer Bills received in exchange for those deposited.

And be it further Enacted, That the Declaration to be signed as aforesaid, and all the provisions in this Act contained relating to the deposit of Exchequer Bills, shall be deemed to apply as well to the particular Bills so to be deposited, as to any other Bills to be received from

from time to time in exchange for such Bills, or for the Bills from time to time received in exchange in consequence of such Bills or any of them being ordered to be paid off.

And be it further Enacted, That neither the Commissioners of His Majesty's Treasury, nor the said Postmaster General, nor the said Chairman, nor the said Commissioners of the said departments of the Revenue, nor any of them, shall be in any way personally liable for any act done by them, or any of them, in pursuance of this Act, but that all actions and suits, both at law and in equity, commenced against them, or any of them, in pursuance of this Act, shall be null and void, and shall be quashed and vacated upon summary motion by the Court in which they are commenced, which Court is hereby required to give to the defendant in such an action or suit the full costs of such motion, to be taxed as between attorney and client.

7.
The Commissioners of the Treasury, Postmaster General and Commissioners of the Revenue Boards, not to be personally liable for acts done by them in pursuance of this Act.

And be it further Enacted, That all Stock transferred to and all deposits of Exchequer Bills made in the name of the said Postmaster General or of the said Chairman respectively, by virtue of this Act, shall have the effect of vesting such Stock or Exchequer Bills for the purposes of this Act in the Postmaster General and in such Chairmen for the time being, and their successors, who are hereby authorized and required to make sales of Stock and Exchequer Bills, as is hereinbefore mentioned.

8.
Stock so transferred and Exchequer Bills so deposited to vest in Successors of Depositees.

And be it further Enacted, That the dividends upon all stock so transferred, and the interest upon all Exchequer Bills so deposited, shall be paid to the Receivers General of the respective Revenues herein mentioned, and the receipts of such Receivers General shall be a sufficient discharge for the same; and the dividends upon all stock so transferred, and the interest upon all such Exchequer Bills, shall be paid to the respective parties transferring such stock or depositing such Exchequer Bills by the respective Receivers General, upon the production of an Order for that purpose from the Postmaster General, or the Commissioners of the respective Revenues, or any *Two* of them, with whom such deposits have respectively been made.

9.
Dividends and Interest upon such Deposits to be paid to the Receivers General of the respective departments, who are to pay them to the Depositors.

And be it further Enacted, That it shall be lawful for the said Postmaster General and for the Chairmen respectively and their successors, and they are hereby required, upon the application of the person or persons or bodies corporate transferring such stock, or depositing such Exchequer Bills, and upon the Certificate of the Accountant General of the Post Office, or of any *Two* or more of the Commissioners of the Revenue upon whose account such transfer or deposit has been made, that such transfer or deposit is no longer

10.
Such Stock or Exchequer Bills to be retransferred upon Certificate that Security is no longer required.

necessary for the security of the Revenue under their charge, to re-transfer such stocks or to deliver up such Exchequer Bills to the person or persons or bodies corporate who transferred or deposited the same.

11.

Such retransfer may be made to the personal Representatives of the original Depositors.

And be it further Enacted, That such re-transfer or delivery made to the personal representatives of any person or persons transferring or depositing such stock or Exchequer Bills shall be valid and effectual to all intents and purposes whatever.

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12.

Joint Stock Companies may have the benefit of the Act.

And be it further Enacted, That where any Joint Stock Companies having any Joint Stock or Exchequer Bills in the name or names of any person or persons as trustees for the partners forming such Company shall be desirous of making any transfer of stock or deposit of Exchequer Bills for the purposes mentioned in this Act, it shall be lawful for them so to do, and all the provisions of this Act shall apply to transfers and deposits so made.

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13.

Governor and Company of the Bank of England indemnified for any acts done by them in pursuance of this Act.

And be it further Enacted, That the Governor and Company of the Bank of England shall be and are hereby indemnified for any act done, or permitted to be done, by them in pursuance of this Act; and that all actions and suits both at law and in equity commenced against the said Governor and Company of the Bank of England for and in respect of any such Act or Acts, shall be null and void, and shall be quashed and vacated upon summary motion by the Court in which they are commenced; which Court is hereby required to give to the defendant in such an action or suit the full costs of such motion to be taxed as between attorney and client.

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14.

Jurisdiction given to the Courts at Westminster to determine Disputes about defaults.

AND whereas disputes may arise between parties making transfers and deposits in manner hereinbefore mentioned, whether any default has been made, or any damage has been sustained to the amount certified in manner hereinbefore mentioned; BE it further Enacted, That all such disputes shall be determined in a summary manner in one or other of His Majesty's Courts of King's Bench, Common Pleas or Exchequer at Westminster, and that there shall be no appeal against any decision so made: Provided always, That if it shall seem just to the Judges of any of the said Courts that any sum of money paid by virtue of this Act should be repaid, to order the Receiver General of the Revenue to which it has been paid, to repay the same to such person or persons and on such account as the said Judges shall think fit.

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Such Courts may order repayment of Money paid by virtue of this Act.

15.

Sums so paid to be allowed in account to the Receiver General paying them.

And be it further Enacted, That any sum of money paid by any Receiver General under such an order shall be allowed to him in account, and such receiver shall not be again called upon for such sum in any manner whatsoever; and any proceedings instituted to compel such

such Receiver General to pay such sum shall be null and void, and shall be set aside by the Court in which the same may have been instituted upon summary Motion.

5 And be it further Enacted, That it shall be lawful for the Judges of any of the said Courts to direct that any question arising before them upon such proceeding may be tried by a Jury in such manner as such Judges shall direct.

16.
Judges of the said Courts may direct Questions upon such Disputes to be tried by a Jury.

And be it further Enacted, That this Act may be altered, varied or repealed by any Act to be passed in this present Session of Parliament.

17.
Act may be altered this Session.

SCHEDULE to which this ACT refers.

FORM OF DECLARATION.

IT is hereby declared, That _____ has
[transferred Stock, or hath deposited Exchequer Bills, as the case may
be] to the amount of _____
as a security for _____
pursuant to the provisions of an Act of Parliament passed, &c.

FORM OF CERTIFICATE.

To His Majesty's Postmaster General [or, To the Chairman of
as the case may be.]

WHEREAS on the _____ day of _____
Stock [or, Exchequer Bills] were transferred _____
[or, deposited, as the case may be] as a security for _____
[state the purpose for which the security was given.]

This is to Certify, That

[state the breaches.]

And that the Revenue of _____
damnified to the extent of _____

hath been thereby

Revenue Departments Securities.

A

B I L L

To enable Persons to make Deposits of Stock
or Exchequer Bills, in lieu of giving Security
by Bond to the Postmaster General, and
Commissioners of Customs, Excise, Stamps
and Taxes.

(Prepared and brought in by

Mr. Baring and Mr. Chancellor of the Exchequer.)

*Ordered, by The House of Commons, to be Printed,
24 March 1836.*

8 July 1836.—7 WILL. IV.



(Ireland.)

A

B I L L

For converting the Richmond General Penitentiary into one of the Prisons for the County of the City of Dublin, and to amend the Law relating to Prisons in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is necessary to make better provision than now exists for the Accommodation and Classification of Prisoners in the county of the city of Dublin, and to make other provisions respecting the Prisons in the said county of the city of Dublin; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland, at any time after the *passing of this Act*, by warrant under his or their hand and seal, to grant and convey the Prison called the Richmond General Penitentiary, and the site thereof, and the courts, yards, out-offices, buildings and appurtenances belonging thereto, to the Commissioners appointed in the last Hilary Term by the Grand Jury of the county of the city of Dublin for causing an additional Prison for Male Felons to be built within the boundary walls of the Richmond Bridewell, their heirs and assigns, in trust for the uses and purposes of this Act, and of an Act made and passed in the seventh year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for consolidating and amending the Laws relating to Prisons in Ireland;" and the said Richmond General Penitentiary, and the site thereof, and the courts, yards, out-offices, buildings and appurtenances thereto belonging, shall thereupon become and be vested in the said Commissioners accordingly; and shall be deemed

Preamble.

1.
The Lord Lieutenant may transfer the Richmond General Penitentiary to the Commissioners appointed by the Grand Jury.

and

and taken to be to all intents and purposes part of the said county of the city of Dublin, and to be one of the Prisons of and for the said county of the city of Dublin, and be subject to all the rules, regulations and provisions contained in the said recited Act, or any other Act or Acts passed or to be passed for the regulation of the Prisons within the said city, and the classification and custody of Prisoners therein, and the duty of the several officers and attendants belonging thereto, save as the same may be altered by this Act; and the removal of any Prisoner who might by law be confined in any Prison within the county of the city of Dublin to or from the said Richmond General Penitentiary, shall not be deemed an escape of such Prisoner, although in such removal he or she may be brought into or through some part of the county of Dublin.

2.
The Expenses
of repairing
Buildings,
Salaries of
Officers, and
Support of
Prisoners to be
paid by Grand
Jury Present-
ment.

And be it further Enacted, That all and every the expense of altering, enlarging and repairing the said Prison, and of paying the salaries and allowances of the Gaolers, Keepers, Local Inspectors, Matrons, servants, turnkeys and their assistants, medical and other officers to be appointed to the said Prison, or to any House of Correction within the same, or within the boundary wall thereof, and of the providing food, fuel, furniture, utensils, bedding, clothing and other necessities for the Prisoners therein, shall be raised by Presentment of the Grand Jury of the county of the city of Dublin; and in case such Grand Jury shall at any time refuse or neglect to make such Presentment or provision after having been properly called upon and directed by the Court or Judges to make the same, then and in every such case the said Court or Judges are hereby empowered and required to direct that the amount of the sum which ought to have been presented shall be added to the warrant of the treasury of the said county of the city of Dublin, and the same shall be raised, levied, apportioned and assessed, in like manner as any Presentment duly made upon the said county.

3.
Local In-
spectors,
Chaplains
and Medical
Officers to be
appointed by
the Grand
Jury; Gaolers,
Matrons, &c.
by the Lord
Lieutenant.

And be it further Enacted, That the Local Inspector, Chaplains, Surgeon, Physician and Apothecary of the said Prison shall be appointed from time to time by the Grand Jury of the county of the city of Dublin, as provided by the said recited Act of the seventh year of the reign of King GEORGE the Fourth for the Prisons now established in the said county of the city of Dublin, and that the Keepers, Matrons and other attendants, servants and turnkeys, and their assistants, of and for the said Prisons, shall be appointed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, according to such establishment and with such salaries and allowances as shall be certified from time to time by the Inspectors General of Prisons, under their hands, to the said Lord Lieutenant or other Chief Governor or Governors, and approved of by him or them as being sufficient and necessary

necessary for the care and management of the said Prison and the Prisoners therein : Provided always, That the Sheriffs of the County of the City of Dublin shall not be answerable for the safe custody of any prisoner confined in the said Prison or any part thereof, or any building situate within the walls thereof; and provided also, That the Keeper or Gaoler of the said Prison shall not be entitled to any presentment for or in lieu of fees, on the acquittal, conviction or discharge of any Prisoner.

AND whereas upon the establishment of the said Prison under this Act, it will be unnecessary to continue the Smithfield Penitentiary as a place of confinement for Prisoners for the County of the City of Dublin, and the same may be conveniently employed as a depôt for Prisoners convicted and sentenced to transportation, or for other purposes; BE it therefore further Enacted, That when the said Prison hereby directed to be vested in the said Commissioners shall be made fit for the reception and safe keeping of such Prisoners as may be lawfully confined therein, and the Inspectors General of Prisons shall certify the same under their hands to the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, and to the Grand Jury of the county of the city of Dublin, it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland to direct, by warrant under his or their hand, that the said Smithfield Penitentiary shall thenceforth be discontinued to be and shall no longer be used as a Bridewell or Prison for Prisoners of or from the county of the city of Dublin, and to direct the removal of the Prisoners then confined therein to such other Prison or Prisons in the county of the city of Dublin as to him or them may seem fit, and from thenceforth no Presentment shall be made by the Grand Jury of the county of the city of Dublin for or on account of the said Smithfield Penitentiary, or of any other expenditure connected therewith; and the same and all yards, grounds, out-houses, offices and buildings connected therewith, shall and may be employed under the orders of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being as a depôt for Convicts sentenced to transportation, or for such other purposes as he or they may think fit; and the same shall become and be legally vested in such person or persons as the Lord Lieutenant or other Chief Governor or Governors of Ireland may direct, in trust for the purposes of this Act.

4.
The Lord Lieutenant may discontinue the Smithfield Penitentiary as a Prison for the City of Dublin.

And be it further Enacted, That from and after the *passing of this Act*, such parts of an Act passed in the forty-eighth year of the reign of his Majesty King GEORGE the Third, intituled, "An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of Dublin Metropolis," as relate to the appointment of any Officer, or to the exercise of any power or authority in any Gaols, Houses of Correction, Marshalseas, Bridewells or other Prisons within the county of

5.
So much of 48 G. 3. c. 140. as relates to the exercise of any power by divisional Justices over Gaols, &c. repealed.

the city of Dublin by the Divisional Justices of the Castle Division of the Head Office of Police, be and the same are hereby repealed.

6.

Grand Jury of the County of the City of Dublin to appoint a Board of Superintendence as in other Counties, under the 7 G. 4. c. 74.

And be it further Enacted, That so much of the said recited Act passed in the seventh year of the reign of his Majesty King GEORGE the Fourth as excepts the county of the city of Dublin from the operation of that part of the said Act under which the Grand Jury of every county, county of a city or county of a town throughout Ireland is authorized and required to appoint a Board of Superintendence, with certain powers and duties as in the said Act set forth, be and the same are hereby repealed; and that the Grand Jury of the county of the city of Dublin aforesaid shall and may at the next presenting term after the *passing of this Act*, and at every succeeding presenting term, and they are hereby authorized and required to appoint a Board of Superintendence of every Gaol, Bridewell, House of Correction or other Prison within the said county of the city of Dublin, supported in part or in the whole by Grand Jury Presentment, under the same regulations, possessing the same powers, and to perform the same duties as are specified and set forth in the said last-recited Act respecting the Boards of Superintendence appointed in the several counties, counties of cities and counties of towns respectively throughout Ireland; and that all the provisions of the said last-recited Act relating to Boards of Superintendence shall apply to and have full force and effect in all things relating to such Prisons of the said county of the city of Dublin, in the same manner as in those of every other county, county of a city or county of a town throughout Ireland; and in case any of the said offices to which the said Grand Jury are by this Act authorized to appoint shall become vacant between two presenting terms, then and in every such case it shall be lawful for the said Board of Superintendence to appoint a new officer to fill such vacancy, who shall hold and exercise such office until a new appointment shall be made thereto by the said Grand Jury, as fully and effectually as such provisional appointment might have been heretofore made by the Sheriff of the said county of the city of Dublin: Provided, That nothing in this Act contained shall interfere with the regulations in the said recited Act contained respecting the appointment or salaries of Medical Officers or Chaplains by the Grand Jury of the county of the city of Dublin aforesaid.

7.

Provisions in recited Act regarding poor Prisoners, to extend to Prisoners confined in the Marshalsea.

And be it Enacted, That the provisions of the said recited Act with respect to Prisoners who shall not be of sufficient ability to procure food and other necessities, and also with respect to Prisoners confined or detained at the suit of any Creditor or Creditors for any debt less than the sum of *Ten Pounds*, and for the payment to them by such Creditor or Creditors of any weekly sum, and for their discharge in default of such payment, shall be deemed and taken to apply and extend to Prisoners confined in the Marshalsea of the city of Dublin as fully as to Prisoners confined in any other Prison in Ireland.

*Richmond Penitentiary,
(Ireland.)*

A

B I L L

For converting the Richmond General Penitentiary into one of the Prisons for the County of the City of Dublin, and to amend the Law relating to Prisons in Ireland.

(Prepared and brought in by
Lord Viscount Morpeth and Mr. Attorney
General for Ireland.)

Ordered, by The House of Commons, to be Printed,
8 July 1836.
